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इस भाग में भिन्न पृष्ठ संलग्न वी जाती हैं जिससे कि यह अलग संपादन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (iii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administrations of Union Territories)

भारत निर्वाचन आयोग
आदेश

नई दिल्ली, 25 अप्रैल, 1979

का० आ० 1972.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए आन्ध्र प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 208-सनाथनगर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री एस० सथ्यानारायण, मकान नं. 7-2-77, सनाथनगर, हैदराबाद (आन्ध्र प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीत बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेजा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्पूर्ण सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री एस० सथ्यानारायण को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने व्यार होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरर्हित घोषित करता है।

[सं. आ० प्र०-वि० स०/208/78(33)]

ELECTION COMMISSION OF INDIA
ORDER

New Delhi, the 25th April, 1979

S.O. 1972.—Whereas the Election Commission is satisfied that Shri S. Sathyanaarayana, H. No. 7-2-77, Sanathnagar, Hyderabad (Andhra Pradesh), a contesting candidate for General Election to the Andhra Pradesh Legislative Assembly held in February, 1978 from 208-Sanathnagar constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri S. Sathyanaarayana to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-LA/208/78(33)]

आदेश

का० आ० 1973.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए आन्ध्र प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 113-मारतुर सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कुरासेन्द्र मुक्कारा, पौ० मुरीकीपुर्दी, साल्लुक नारातारोपत,

जिला गृह्य (आन्ध्र प्रदेश) नोक प्रतिनिधित्व प्रधिनियम, 1951 तथा नव्यीन बनाए गए नियमों द्वारा अपेक्षित अपने निवाचन व्यर्थों का कोई भी लेखा वाचिल करने में असफल रहे हैं;

और, यह, उक्त उम्मीदवार ने, उसे सम्मक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निवाचित आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्र नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निवाचित आयोग एन्डुडारा उक्त श्री कुरासेनूदु सुकारा को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आयोग की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. आ०प्र०-वि०स०/113/78(34)]

ORDER

S.O. 1973.—Whereas the Election Commission is satisfied that Shri Kurasenudu Sunkara, Murikipudi Post, Narasaraopet Taluk, District Guntur (Andhra Pradesh), a co- testing candidate for General Election to the Andhra Pradesh Legislative Assembly held in February, 1978 from 113-Martur assembly constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kurasenudu Sunkara to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-LA/113/78(34)]

आवेदन

नई दिल्ली, 3 मई, 1979

का०आ० 1974—यह, निवाचित आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए पंजाब विधान सभा के लिए सांश्दर्य निवाचित के लिए 87-कैकालूर निवाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कोधापल्ली बेंकटराजू, मंडेश्वर रोड, प०० मंडावली, तालुक कैकालूर (आन्ध्र प्रदेश) नोक प्रतिनिधित्व प्रधिनियम, 1951 तथा नव्यीन बनाए गए नियमों द्वारा अपेक्षित अपने निवाचित व्यर्थों का कोई भी लेखा वाचिल करने में असफल रहे हैं;

और, यह, उक्त उम्मीदवार ने, उसे सम्मक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निवाचित आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्र नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निवाचित आयोग एन्डुडारा उक्त श्री कोधापल्ली बेंकटराजू को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. आ०प्र०-वि०स०/87/78(36)]

श्री० नागसुलमण्णन, मण्डिप

ORDER

New Delhi, the 3rd May, 1979

S.O. 1974.—Whereas the Election Commission is satisfied that Shri Kothapalli Venkataraju, Station Road, Mandavalli Post, Kaikalur Taluk (Andhra Pradesh), a contesting candidate

for General Election to the Andhra Pradesh Legislative Assembly held in February, 1978 from 87-Kalkatur constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kothapalli Venkataraju to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-LA/87/78(36)]

V. NAGASUBRAMANIAN, Secy.

आवेदन

नई दिल्ली, 4 मई, 1979

का०आ० 1975—यह, निवाचित आयोग का समाधान हो गया है कि जून, 1977 में हुए पंजाब विधान सभा के लिए सांश्दर्य निवाचित के लिए 23-तारन तारन निवाचित श्री० संसद् के किसी भी विधान सभा लोधी, मोहल्ला नामकसर, तारन तारन, जिला अमृतसर (पंजाब) नोक प्रतिनिधित्व प्रधिनियम, 1951 तथा नव्यीन बनाए गए नियमों द्वारा अपेक्षित अपने निवाचित व्यर्थों का कोई भी लेखा वाचिल करने में असफल रहे हैं;

और, यह, उक्त उम्मीदवार ने, सम्मक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निवाचित आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्र नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निवाचित आयोग एन्डुडारा उक्त श्री कोधापल्ली बेंकटराजू को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं. पंजाब-वि०स०/23/77]

श्री० श्री० शर्मा, प्रबन्ध मण्डिप

ORDER

New Delhi, the 4th May, 1979

S.O. 1975.—Whereas the Election Commission is satisfied that Shri Bachan Lal Fauji, Mohalla Nanaksar, Tarn Taran, District Amritsar (Punjab) a contesting candidate for general election to the Punjab Legislative Assembly held in June, 1977 from 23-Tara Taran constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bachan Lal Fauji to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/23/77]

R. D. SHARMA, Under Secy.

नई दिल्ली, 18 मई, 1979

का० आ० 1978.—यह, निर्बाचित आयोग का समाधान हो गया है कि जून, 1977 में दृष्टि प्रदेश निधान सभा के लिए साधारण निर्बाचित के लिए 170-खुज्जी निर्बाचित सेवा से चुनाव लड़ने वाले उम्मीदवार श्री प्रगर चन्द जैन, ग्राम व डॉ. डोंगरगांव, जिला राजनांदगांव (मध्य प्रदेश) लोक प्रतिनिधित्व प्रधिनियम, 1951 तथा लद्धीन बनाए गए नियमों द्वारा अनेकित प्रपत्ते निर्वाचन व्ययों का कोई भी लेहा दाखिल करने में असफल रहे हैं ;

और यह, उक्त उम्मीदवार ने, सम्यक सूचना दिए आगे पर भी, इस असफलता के लिए कोई कारण अवधारण स्पष्टीकरण नहीं दिया है और निर्बाचित आयोग का यह नमाखान द्वारा गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीकाल नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्बाचित आयोग एतद्वारा उक्त श्री प्रगर चन्द जैन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अवधारण परिषद् के सदस्य चुने जाने और गृहों के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० म०प्र०वि० स० 170/77]

New Delhi, the 16th May, 1979

S.O. 1976.—Whereas the Election Commission is satisfied that Shri Agar Chand Jain, Village & P.O. Dongargaon, District Rajnandgaon (Madhya Pradesh) a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 170-Khujji constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Agar Chand Jain to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/170/77]

नई दिल्ली, 22 मई, 1979

का० आ० 1977.—यह, निर्बाचित आयोग का समाधान हो गया है कि जून 1977 में दृष्टि नामून विधान सभा के लिए साधारण निर्बाचित के लिए 147-कलासिया निर्बाचित-सेवा से चुनाव लड़ने वाले उम्मीदवार श्री भूरी लाल, निवासी मावला, पोन्ट-माझड़ी, नहसील-काड़ी, जिला उदयपुर, राजस्थान, लोक प्रतिनिधित्व प्रधिनियम, 1951 तथा लद्धीन बनाए गए नियमों द्वारा अनेकित प्रपत्ते निर्वाचन व्ययों का कोई भी लेहा दाखिल करने में असफल रहे हैं ।

और, यह, उक्त उम्मीदवार द्वारा दिये गये अस्यावेदन पर विचार करने के पश्चात्, निर्बाचित आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीकाल नहीं है ।

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्बाचित आयोग एतद्वारा उक्त श्री भूरी लाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अवधारण परिषद् के सदस्य चुने जाने और दूने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० राज०वि० म० 147/77(13)]

New Delhi, the 22nd May, 1979

S.O. 1977.—Whereas the Election Commission is satisfied that Shri Bhuri Lal, Village Media, P.O. Mudri, Tehsil Jhadol, District Udaipur, Rajasthan a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 147-Phalasla constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bhuri Lal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/147/77(13)]

आवेदन

का० आ० 1978.—यह, निर्बाचित आयोग का समाधान हो गया है कि जून 1977 में दृष्टि समिल नामून विधान सभा के लिए साधारण निर्बाचित के लिए 78-खुज्जी सभा निर्बाचित-सेवा से चुनाव लड़ने वाले उम्मीदवार श्री बेग रामसामी, किलाई स्ट्रीट, देवकानीकोटी, जिला धरेपुरी (तमिल-नाडू) लोक प्रतिनिधित्व प्रधिनियम, 1981 तथा लद्धीन बनाए गए नियमों द्वारा अनेकित प्रपत्ते निर्वाचन व्ययों का लेहा दाखिल करने में असफल रहे हैं ।

और, यह, उक्त उम्मीदवार में, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अवधारण स्पष्टीकरण नहीं दिया है, और निर्बाचित आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीकाल नहीं है ।

अतः अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्बाचित आयोग एतद्वारा उक्त श्री रामसामी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अवधारण परिषद् के सदस्य चुने जाने और दूने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[पं० त०न०-वि०स०/75/77(37)]

ORDER

S.O. 1978.—Whereas the Election Commission is satisfied that Shri Then Ramaswamy, Kidwai Street, Denkanikottai, Dharmapuri District, (Tamil Nadu), a contesting candidate for general election to the Tamil Nadu legislative assembly held in June, 1977 from 75-Thalli assembly constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Then Ramaswamy to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of State for a period of three years from the date of this order.

[No. TN-LA/75/77(37)]

आवेदन

का० धा० 1979.—यतः, निर्बाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए हरियाणा विधान सभा के लिए साधारण निर्बाचन के लिए 13-करनाल निर्बाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री केशरदास, 17/9, राम नगर, करनाल (हरियाणा) लोक प्रतिनिधित्व प्रधिनियम, 1951 तथा तद्वीत बनाए गए नियमों द्वारा प्रयोक्ता अपने निर्बाचन व्यवों का कोई भी लेका दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्बाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापीचित्य नहीं हैं;

यतः, प्रबृ, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्बाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापीचित्य नहीं हैं;

[सं० हरि० धि० स०/13/77]

ORDER

S.O. 1979.—Whereas the Election Commission is satisfied that Shri Kesar Dass, 70/9, Ram Nagar, Karnal (Haryana) a contesting candidate for general election to the Haryana Legislative Assembly held in June, 1977 from 13-Karnal constituency, has failed to lodge an account of his election expenses at all/as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kesar Dass to be disqualified for being chosen, as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. HN-LA/13/77]

आवेदन

नई दिल्ली, 24 मई, 1979

का० धा० 1980.—यतः, निर्बाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए हरियाणा विधान सभा के लिए 41-सोनीपत निर्बाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हवा सिंह, गंव बड़ा० सांकेत कलां, तह० थ जिला सोनीपत, हरियाणा लोक प्रतिनिधित्व प्रधिनियम, 1951 तथा तद्वीत बनाए गए नियमों द्वारा प्रयोक्ता अपने निर्बाचन व्यवों का कोई भी लेका दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्बाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापीचित्य नहीं है।

यतः प्रबृ, उक्त निर्बाचन की धारा 10-के अनुसरण में दिक्षिण आयोग एतद्वारा उक्त श्री हवा सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के संवस्य लूने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[मं० हरि० धि० स०/41/77]

ORDER

New Delhi, the 24th May, 1979

S.O. 1980.—Whereas the Election Commission is satisfied that Shri Hawa Singh, Village and P.O. Sandhal Kalan, Sonepat (Haryana) a contesting candidate for general election to the Haryana Legislative Assembly held in June, 1977 from 41-Sonepat constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Hawa Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. HN-LA/41/77]

नई दिल्ली, 25 मई, 1979

का० धा० 1981.—लोक प्रतिनिधित्व प्रधिनियम, 1950 (1950 का 43) की धारा 13-की उप-धारा (1) द्वारा प्रवत शक्तियों का प्रयोग करते हुए, भारत निर्बाचन आयोग, अंडमान और निकोबार द्वीप प्रशासन के प्रतासी से, श्री अशोक जोशी, मुख्य सचिव अंडमान और निकोबार द्वीप प्रशासन, को अपना कार्यभार संभालने की तारीख से और अगले पाँचवें तक श्री प्रारंभस० राय के स्थान पर, अंडमान और निकोबार द्वीप संघ राज्यसभे के लिए मुख्य निर्बाचन आकिलर के रूप में एतद्वारा नामनिर्देशित करता है।

[मं० 154/अंडमान/79]

New Delhi, the 25th May, 1979

S.O. 1981.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India, in consultation with the Andaman and Nicobar Islands Administration hereby nominates Shri Ashoka Joshi, Chief Secretary of Andaman and Nicobar Administration as the Chief Electoral Officer for the Union Territory of Andaman and Nicobar Islands with effect from the date he takes over charge and until further orders vice Shri R. S. Rai.

[No. 154/ANI/79]

आवेदन

नई दिल्ली, 26 मई, 1979

का० धा० 1982.—यतः, निर्बाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्बाचन के लिए 48-कार्गी (धा० धा०) निर्बाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री धनालाल, कुम्हनपुरा, संगमनेर, राजस्थान, लोक प्रतिनिधित्व प्रधिनियम, 1951 सभा तद्वीत बनाए गए नियमों द्वारा प्रयोक्ता अपने निर्बाचन व्यवों का कोई भी लेका दाखिल करने में असफल रहे हैं,

प्रत: उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अवधा स्पष्टीकरण नहीं दिया है और निर्बाचित आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायोचित्य नहीं है;

अतः यद्य, उक्त अधिनियम की धारा 10-के अनुसरण में निर्बाचित आयोग एतद्वारा उक्त श्री धन्ना लाल को संसद के किसी भी मद्दत के या किसी राज्य की विधान सभा अवधा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन बर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०-क्रि०स०/48/77(14)]

ORDER

New Delhi, the 26th May, 1979

S.O. 1982.—Whereas the Election Commission is satisfied that Shri Dhanna Lal, Kundanpura, Sanganer, Rajasthan a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 48-Phagi (S.C.) constituency, has failed to lodge an account of his election expenses at all/as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dhanna Lal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/48/77(14)]

का०प्रा० 1983.—यसः, निर्बाचित आयोग का समाधान हो गया है कि जून, 1977 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्बाचित के लिए 33-मुरादाबाद निर्बाचित क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अम्बुल रसीद मीहला तम्बाकू वाला-2, मकान नं० बी-12/1 मुरादाबाद (उत्तर प्रदेश) सोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वान बनाए गए नियमों द्वारा अपेक्षित अपने निर्बाचित व्ययों का कोई भी लेना दाखिल करने में असफल रहे हैं।

प्रौर यतः उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अवधा स्पष्टीकरण नहीं दिया है और निर्बाचित आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायोचित्य नहीं हैं;

अतः, यद्य, उक्त अधिनियम की धारा 10-के अनुसरण में निर्बाचित आयोग एतद्वारा उक्त श्री अम्बुल रसीद को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अवधा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन बर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ०प्र०वि०स० 33/77 (12)]

S.O. 1983.—Whereas the Election Commission is satisfied that Shri Abdul Rashid, Mohalla Tambacoowala-2, House No, D-12/1, Moradabad (Uttar Pradesh), a contesting candidate for general election to the Uttar Pradesh Legislative Assembly held in June, 1977 from 33-Moradabad constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Abdul Rashid to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/33/77(12)]

नई दिल्ली, 28 मई, 1979

का०प्रा० 1984.—यतः, निर्बाचित आयोग का समाधान हो गया है कि जून, 1977 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्बाचित के लिये 31-कुंदरकी निर्बाचित क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री शिशुपाल सिंह, ग्राम बोस्ट सताई, जिला मुरादाबाद (उत्तर प्रदेश) के सोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्बाचित व्ययों का कोई भी लेना दाखिल करने में असफल रहे हैं;

प्रौर यतः उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिये कोई कारण अवधा स्पष्टीकरण नहीं दिया है और निर्बाचित आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या व्यायोचित्य नहीं है;

अतः यद्य, उक्त अधिनियम की धारा 10-के अनुसरण में निर्बाचित आयोग एतद्वारा उक्त श्री शिशुपाल सिंह को संसद के या किसी राज्य की विधान सभा अवधा विधान परिषद के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से सीन बर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० उ०प्र०वि०स० 31/77(13)]

New Delhi, the 28th May, 1979

S.O. 1984.—Whereas the Election Commission is satisfied that Shri Shishupal Singh, Village and Post Sanai, District Moradabad (Uttar Pradesh), a contesting candidate for general election to the Uttar Pradesh Legislative Assembly held in June, 1977 from 31-Kunderki constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Shishupal Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/31/77(13)]

का०प्रा० 1985.—यसः, निर्बाचित आयोग का समाधान हो गया है कि जून, 1977 में हुए उत्तर प्रदेश विधान सभा के लिये साधारण निर्बाचित के लिये 422-हरिद्वार निर्बाचित क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राज कुमार, ग्राम अलीपुरा, डा० बहादुराबाद, जिला महारानपुर (उत्तर प्रदेश) सोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्बाचित व्ययों का कोई भी लेना दाखिल करने में असफल रहे हैं;

प्रौर यतः उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिये कोई कारण अवधा स्पष्टीकरण नहीं दिया है और निर्बाचित आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या व्यायोचित्य नहीं है;

मतः यद्यपि उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचित आयोग एतद्वारा उक्त श्री राजकुमार को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य बुमे जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० उ०प्र०-विस०/422/77/(14)]

S.O. 1985.—Whereas the Election Commission is satisfied that Shri Raj Kumar, Village Alipur, Post Bahadarbad, District Saharanpur (Uttar Pradesh), a contesting candidate for general election to the Uttar Pradesh Legislative Assembly held in June, 1977 from 422-Hardwar constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Raj Kumar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/422/77(14)]

आदेश

का० आ० 1886.—मतः निर्वाचित आयोग का समाधान हो गया है कि विस्मर, 1977 में हुए किपुरा विधान सभा के लिए साधारण निर्वाचित के लिए 46-सुरमा (प्र०आ०) निर्वाचित-सेक्रेट से चुनाव लड़ने वाले उम्मीदवार श्री बरिन्द्र दास, ग्राम जबाहर नगर, डाक० चन्द्ररायपारा वाया डाक० गम्मासा, जिला उत्तर किपुरा लोक प्रतिनिधित्व अधिनियम, 1951 द्वारा लघूधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचित व्ययों का सेवा वाकिल करने में असफल रहे हैं;

मौर, यतः उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, मौर, निर्वाचित आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

मतः यद्यपि उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचित आयोग एतद्वारा उक्त श्री बरिन्द्र दास को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य बुमे जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० किपुरा-दि० स०/46/77]

ORDER

S.O. 1986.—Whereas the Election Commission is satisfied that Shri Barindra Das, Village Jawharnagar, P.O. Chandrapara, Via P. O. Ambasa, District North Tripura, a contesting candidate for general election to the Tripura Legislative Assembly from 46-Surma (SC) assembly constituency, held in December, 1977, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Barindra Das, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TP-LA/46/77]

आदेश

का० आ० 1887.—यतः निर्वाचित आयोग का समाधान हो गया है कि मार्च, 1977 में बिहार में हुए लोक सभा के लिए साधारण निर्वाचित के लिए 34-नालन्दा निर्वाचित-सेक्रेट से चुनाव लड़ने वाले उम्मीदवार श्री राजेन्द्र प्रसाद, ग्राम रेनरी, पीस्ट-चमारखीधा, जिला नालन्दा (बिहार), लोक प्रतिनिधित्व अधिनियम, 1951 द्वारा लघूधीन बनाए गए नियमों द्वारा [अपेक्षित अपने निर्वाचित व्ययों का कोई भी सेवा वाकिल करने में असफल रहे हैं;

मौर यतः उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचित आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है;

यतः यद्यपि उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचित आयोग एतद्वारा उक्त श्री राजेन्द्र प्रसाद को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य बुमे जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० बिहार-लो०स०/34/77(10)]

ORDER

S.O. 1987.—Whereas the Election Commission is satisfied that Shri Rajendra Prasad, Village Renri, P.O. Chamarbigha, District Nalanda (Bihar) a contesting candidate for general election to the House of the People in the State of Bihar held in March, 1977 from 34-Nalanda constituency, has failed to lodge an account of his election expenses at all required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Rajendra Prasad to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/34/77(10)]

आदेश

का० आ० 1988.—यतः निर्वाचित आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचित के लिए 38-चौमू निर्वाचित-सेक्रेट से चुनाव लड़ने वाले उम्मीदवार श्री बीषमल, वाया (कुण्डलपुरा) नाया समोद, सहसील अम्बर, राजस्थान, लोक प्रतिनिधित्व अधिनियम, 1951 द्वारा लघूधीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचित व्ययों का सेवा वाकिल करने में असफल रहे हैं;

धौर यतः, उक्त उम्मीदवार ने, उसे सम्बन्ध सूचना दिए जाने पर भी, इस प्रसफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन प्रायोग का यह भी समाधान हो गया है कि उसके पास इस प्रसफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है।

प्रतः अब, उक्त अधिनियम की धारा 10के अनुसरण में निर्वाचन प्रायोग एतद्वारा उक्त श्री शीधमल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य बनने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्वाहित घोषित करता है।

[सं० राज०-खि० स०/38/77/(15)]

ORDER

S.O. 1988.—Whereas the Election Commission is satisfied that Shri Chauthmal, Basa (Kushalpura) Via Samod, Tehsil Amber, Rajasthan a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 38-Chomu constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chauthmal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/38/77(15)]

प्रावेश

का० खा० 1989.—यतः, निर्वाचन प्रायोग का समाधान हो गया है कि जून, 1977 में हुए हरियाणा विधान सभा के लिए साधारण निर्वाचन के लिए 51-फरीदाबाद निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री टीका राम गोड़, गोड़ प्रिंटिंग प्रेस, 5-एल/76, एन० प्राई० टी०, फरीदाबाद नोक प्रतिनिधित्व प्रधिनियम, 1951 सभा तदातीन बनाए गए नियमों द्वारा प्रयोक्तित प्रपते निर्वाचन व्ययों का कोई लेजा वाकिल करने में असफल रहे हैं;

धौर यतः, उक्त उम्मीदवार ने, सम्बन्ध सूचना दिए जाने पर भी, इस प्रसफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन प्रायोग का यह समाधान हो गया है कि उसके पास इस प्रसफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं हैं;

प्रतः अब, उक्त उम्मीदवार ने, सम्बन्ध सूचना दिए जाने पर भी, इस प्रसफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन प्रायोग का यह समाधान हो गया है कि उसके पास इस प्रसफलता के लिए निर्वाहित घोषित करता है।

[सं० हरि० खि० स०/51/77]

ORDER

S.O. 1989.—Whereas the Election Commission is satisfied that Shri Tika Ram Gaur, Printing Press, 5-L/76, N.I.T., Faridabad (Haryana) a contesting candidate for general election to the Haryana Legislative Assembly held in June, 1977 from 51-Faridabad constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Tika Ram Gaur to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. HN-LA/51/77]

प्रावेश

का० खा० 1990.—यतः, निर्वाचन प्रायोग का समाधान हो गया है कि जून, 1977 में हुए हरियाणा विधान सभा के लिए साधारण निर्वाचन के लिए 63-धाराड़ा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री शिल्पोपाल, गोवं व डा० निधाला, ताहमील दावरी (हरियाणा) लोक प्रतिनिधित्व प्रधिनियम, 1951 सभा तदातीन बनाए गए नियमों द्वारा प्रयोक्तित प्रपते निर्वाचन व्ययों का कोई भी लेजा वाकिल करने में असफल रहे हैं;

धौर यतः, उक्त उम्मीदवार ने, सम्बन्ध सूचना दिए जाने पर भी, इस प्रसफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन प्रायोग का यह समाधान हो गया है कि उसके पास इस प्रसफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं हैं;

प्रतः अब, उक्त अधिनियम की धारा 10के अनुसरण में निर्वाचन प्रायोग एतद्वारा उक्त श्री शिल्पोपाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य बनने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्वाहित घोषित करता है।

[सं० हरि० खि० स० / 63/77]

ORDER

S.O. 1990.—Whereas the Election Commission is satisfied that Shri Sheo Pal, Village & P.O. Tiwala, Tehsil Dadra (Haryana) a contesting candidate for general election to the Haryana Legislative Assembly held in June, 1977 from 63-Bhadra constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the people Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Sheo Pal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. HN-LA/63/77]

प्रावेश

का० खा० 1991.—यतः, निर्वाचन प्रायोग का समाधान हो गया है कि जून, 1977 में हुए हरियाणा विधान सभा के लिए साधारण निर्वाचन के लिए 67-तोलाम निर्वाचन क्षेत्र से चुनाव लड़ने उम्मीदवार श्री सज्जन कुमार, ग्राम चमाना, डा० गरमपुरा, सह० थ जिला भिकानी (हरियाणा) लोक प्रतिनिधित्व प्रधिनियम, 1951 सभा तदातीन बनाए गए नियमों द्वारा प्रयोक्तित प्रपते निर्वाचन व्ययों का कोई भी लेजा वाकिल करने में असफल रहे हैं;

धौर यतः, उक्त उम्मीदवार ने, सम्बन्ध सूचना दिए जाने पर भी, इस प्रसफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन प्रायोग का यह समाधान हो गया है कि उसके पास इस प्रसफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं हैं;

अतः श्रवे उक्त भ्रष्टिनियम की धारा 10-के ग्रन्तिरण में निर्वाचन आयोग एतद्वारा उक्त श्री मजेन कुमार को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य बने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालाब्रिधि के लिए निरहित घोषित करता है।

[मं० हरि० वि० स०/67/77]

ORDER

S.O. 1991.—Whereas the Election Commission is satisfied that Shri Sajjan Kumar, Village Chanana, P.O. Garpura, Teh. & District Bhiwani (Haryana) a contesting candidate for general election to the Haryana Legislative Assembly held in June 1977 from 67-Tosham constituency, has failed to lodge an account of his election expenses of all as required by the Representation of the people Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Sajjan Kumar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. HN-LA/67/77]

आवेदा

तर्ह विली, 29 मई, 1979

का० आ० 1992.—यतः निर्वाचन आयोग का समाधान हो गया है कि विसम्बर, 1977 में हुए विपुरा विधान सभा के लिए साधारण निर्वाचन के लिए 5-खयेरपुर निर्वाचन बोक्स से चुनाव लड़ने वाले उम्मीदवार श्री सीतल चन्द्र दास, कलीनगर, रानीरबाजार, परिषम त्रिपुरा जिला, (विपुरा राज्य) लोक प्रतिनिधित्व भ्रष्टिनियम, 1951 तथा तवधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा घाँटिल करते में असफल रहे हैं;

प्रीर, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, प्रीर, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या त्यागोचित्य नहीं है;

अतः यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, अतः निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या त्यागोचित्य नहीं है।

अतः श्रवे, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, अतः निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या त्यागोचित्य नहीं है।

[सं० विपुरा-वि० स०/5/77]

ORDER

New Delhi, the 29th May, 1979

S.O. 1992.—Whereas the Election Commission is satisfied that Shri Sital Chandra Das, Kalinagar, Ranir Bazar, West Tripura District, (Tripura State) a contesting candidate for general election to the Tripura Legislative Assembly from 5-Khayerpur assembly constituency, held in December, 1977 has failed to lodge an account of his election expenses as required by the Representation of the people Act, 1951, and the Rules made thereunder;

And Whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said

Shri Sital Chandra Das to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TP-LA/5/77]

का० आ० 1993.—यतः निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए परिचमी बंगाल विधान सभा के लिए साधारण निर्वाचन के लिए 94-बदुरिया निर्वाचन-बोक्स से चुनाव लड़ने वाले उम्मीदवार श्री मोला मोहम्मद युनूस, 18 चान्दनी चौक स्ट्रीट, कलकत्ता-13 लोक प्रतिनिधित्व भ्रष्टिनियम, 1951 तथा तवधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा घाँटिल करते में असफल रहे हैं;

प्रीर, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए, कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या त्यागोचित्य नहीं है;

अतः यतः निर्वाचन आयोग का धारा 10-के ग्रन्तिरण में निर्वाचन आयोग एतद्वारा उक्त श्री मोला मोहम्मद युनूस को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सबस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालाब्रिधि के लिए निरहित घोषित करता है।

[सं० प० व० वि० स०/94/77]

S. O. 1993.—Whereas the Election Commission is satisfied that Shri Molla Mohammad Yunus, 18, Chandni Chawk Street, Calcutta-13 a contesting candidate for general election to the West Bengal Legislative Assembly from 94-Baduria assembly constituency, held in June, 1977 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Molla Mohammad Yunus, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/94/77]

आवेदा

तर्ह विली, 30 मई, 1979

का० आ० 1994.—यतः निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए परिचमी बंगाल विधान सभा के लिए साधारण निर्वाचन के लिए 117-सतगाँजिया निर्वाचन-बोक्स से चुनाव लड़ने वाले उम्मीदवार श्री हिमांगसु रोय, 32-101-वि बिरलापुर टेनामैट फ्लाटर, डाक० बिरलापुर, जिला 24-परगना। लोक प्रतिनिधित्व भ्रष्टिनियम, 1951 तथा तवधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा घाँटिल करते में असफल रहे हैं;

और, यह, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीक्रिया नहीं है;

अतः श्रव, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री हिमांगसुर रोय को संसद के किसी भी भवन के या किसी राज्य की विधान-सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० ४० बं०-विंस०/ 117/77]

ORDER

New Delhi, the 30th May, 1979

S.O. 1994.—Whereas the Election Commission is satisfied that Shri Himangsu Roy, D-101-Birlapur Tenement Quarter, P.O. Birlapur, District 24-Parganas, a contesting candidate for general election to the West Bengal Legislative Assembly from 117-Satgachia assembly constituency, held in June, 1977, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Himangsu Roy, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/117/77]

आदेश

का० आ० 1995.—यह, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 392-गढ़मुक्तेश्वर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मुखराम सिंह, मौहल्ला बरवान, धामपुर, जिला बिजनीर (उत्तर प्रदेश) शोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा घोषित करने वाले निर्वाचन व्ययों का कोई भी सेवा दाखिल करने में असफल रहे हैं;

और यह, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीक्रिया नहीं है;

अतः श्रव, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री रनबीर सिंह को संसद के किसी भी सदस्य के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० च०प्र०-विंस० 392/77(15)]

ORDER

S.O. 1995.—Whereas the Election Commission is satisfied that Shri Ranbeer Singh, Village and Post Simbhaoli, District Ghaziabad (Uttar Pradesh), a contesting candidate for general

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election to the Uttar Pradesh Legislative Assembly held in June, 1977 from 392-Garhmukteshwar constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ranbeer Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/392/77(15)]

आदेश

नई दिल्ली, 31 मई, 1979

का० आ० 1996.—यह, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए उत्तर प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 18-धामपुर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मुखराम सिंह, मौहल्ला बरवान, धामपुर, जिला बिजनीर (उत्तर प्रदेश) शोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा घोषित करने वाले निर्वाचन व्ययों का कोई भी सेवा दाखिल करने में असफल रहे हैं;

और यह, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायीक्रिया नहीं है,

अतः श्रव, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[मं० उ० प्र० विंस० 30/18/77 (16)]

ORDER

New Delhi, the 31st May, 1979

S.O. 1996.—Whereas the Election Commission is satisfied that Shri Mukh Ram Singh, Mohalla Barwan, Dhampur, District Bijnor, Uttar Pradesh a contesting candidate for general election to the Uttar Pradesh Legislative Assembly held in June, 1977 from 18-Dhampur constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10-A of the said Act, the Election Commission hereby declares the said Shri Mukh Ram Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/18/77(16)]

मई दिल्ली, 2 जून, 1979

का० आ० 1997.—लोक प्रतिनिधित्व अधिनियम, 1950 (1950 का 43) की धारा 13क की उपधारा (1) द्वारा प्रकृत शक्तियों का प्रयोग करते हुए, भारत निवाचन आयोग, गुजरात सरकार के परामर्श से श्री आर० वी० चन्द्रमोलि, सचिव, गृह विभाग को उनके कार्यभार सम्पालने की तारीख से आगे आदेशों तक गुजरात राज्य के मुख्य निर्वाचन अधिकारी के रूप में एतद्वारा नामनिर्देशित करता है।

[सं० 154/गुज०/79]

आदेश से,

वी० नागसुब्रमण्यन, सचिव

ELECTION COMMISSION OF INDIA

New Delhi, the 2nd June, 1979

S.O. 1997.—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India, in consultation with the Government of Gujarat hereby nominates Shri R. V. Chandramouli, Secretary to Government, Home Department as the Chief Electoral Officer for the State of Gujarat with effect from the date he takes over charge and until further orders.

[No. 154/GJ/79]

By Orders,

V. NAGASUBRAMANIAN, Secy.

मई दिल्ली, 26 मई, 1979

मान्दि पत्र

का० आ० 1998.—भारत के राजपत्र असाधारण भाग 2 खण्ड-3 उपखण्ड (2) तारीख 16 मई, 1979 सं० 207 एवं 208 में क्रमशः प्रकाशित भारत निर्वाचन आयोग की अधिसूचना सं० 100/त०ना०/लो० सं०/1/78 (3) तथा सं० 100/त०ना०/लो०स०/1/78/(3) के प्रत में “वी० नागसुब्रमण्यन, सचिव” शब्दों के ऊपर “आदेश से” प्रत्येक जोड़े जाएं।

[सं० 100/टी०एन०-एच०पी०/1/78/239]

के० गनेसन, अधर सचिव

New Delhi, the 26th May, 1979

ERRATA

S.O. 1998.—In the Election Commission's notifications dated 16th May, 1979, published as S.O.s 285(E) to 287(E) and S.O.s 288(E) to 290(E) respectively at pages 523-524 and 525-526 of the extraordinary issues Nos. 207 and 208 of the Gazette of India, Part II-Section 3-Sub-section (ii) of the same date,—

- (i) in the second paragraph of the notification published as S.O. 285(E), at page 523, after the words “a person to fill the said vacancy” insert the word “before”; and
- (ii) in each of the notifications published as S.O.s 287(E) and 290(E) respectively at pages 524 and 526, above the name and, designation “V. Nagasubramanian, Secy.” appearing at the end, insert the words “By Order”.

[No. 100/TN-HP/1/78/239]

K. GANESAN, Under Secy.

विधि, न्याय तथा कार्य मंत्रालय

(न्याय विभाग)

मई दिल्ली, 1 जून, 1979

का० आ० 1999.—नोटरी नियमावली, 1956 के नियम 11 के उपनियम 5 के अनुसरण में भारत सरकार एतद्वारा अतिरिक्त प्रिसिपल न्यायाधीश सिटी सिविल जज न्यायालय, बम्बई को एक एसा अधिकारी

नियुक्त करती है जिसको केन्द्रीय सरकार द्वारा नियुक्त किये गये ग्रेटर बम्बई में ऐकिट्स करने वाले नोटरियों के नोटरियल रजिस्टरों का नियोग करने की शक्ति प्रदान की गई है।

[सं० 22/7/77-न्याय]
वी० डॉ हिंदी, उप सचिव

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Justice)

New Delhi, the 1st June, 1979

S.O. 1999.—In pursuance of Sub-Rule (5) of Rule 11 of the Notaries Rules, 1956 the Central Government hereby appoints the Additional Principal Judge, City Civil Court, Bombay, to be the Officer empowered to inspect the Notarial Register of Notaries appointed by the Central Government and who are practising in Greater Bombay.

[No. 22/7/77-Jus.]
L. D. HINDI, Dy. Secy.

(काम्पनी कार्य विभाग)

का० आ० 2000.—एकाधिकार एवं निर्बन्धकारी व्यापार तथा अधिनियम, 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में केन्द्रीय सरकार एतद्वारा, मै० शंकर इलैक्ट्रिकल प्राइवेट लिमिटेड, के कार्यालय अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण पत्र संख्या 253) के निरस्तीकरण को अधिसूचित करती है।

[सं० 2/3/78-एम० 2/एम० 1]

(Department of Company Affairs)

S.O. 2000.—In pursuance of sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the Registration of M/s. Sankar Electrical Private Limited under the said Act (Certificate of Registration No. 253).

[No. 2/3/78-M(II)/M(I)]

मई दिल्ली 4 जून, 1979

का० आ० 2001.—एकाधिकार एवं निर्बन्धकारी व्यापार प्रथा अधिनियम, 1969 (1969 का 54) की धारा 26 की उपधारा (3) के अनुसरण में, केन्द्रीय सरकार एतद्वारा मै० एक्सप्रेस ट्रेडर्स के कार्यालय अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण पत्र सं० 1014/75) के निरस्तीकरण को अधिसूचित करती है।

[सं० 23/17/79-एम(1)]

वी० शी० टंडन, उप-सचिव

New Delhi, the 4th June, 1979

S.O. 2001.—In pursuance of sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the Registration of M/s. Express Traders under the said Act (Certificate of Registration No. 1014/75).

[No. 23/17/79-M(I)]
B. B. TANDON, Dy. Secy.

नई दिल्ली, 4 जनवरी, 1979

का० आ० 2006:—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “यूनाइटेड सर्विस हंसटीट्यूशन प्रॉफ इंजिनियर्स, नई दिल्ली” को निर्धारण वर्ष 1973-74 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2636/का० सं० 197/180/77-आ०क (ए-1)]

New Delhi, the 4th January, 1979

S.O. 2006.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “United Service Institution of India, New Delhi” for the purpose of the said section for and from the assessment year (s) 1973-74.

[No. 2636/F. No. 197/180/77-IT(AI)]

का० आ० 2007:—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “यूसुफ मेहरली सेंटर, मुम्बई” को निर्धारण वर्ष 1972-73 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2638/का० सं० 197/89/78-आ० क० (ए-1)]

S.O. 2007.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Yusuf Meherally Centre, Bombay” for the purpose of the said section for and from the assessment year(s) 1972-73.

[No. 2638/F. No. 197/89/78-IT(AI)]

नई दिल्ली, 10 जनवरी, 1979

का० आ० 2008:—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “लिटल मिस्टर्स ग्रॉफ दि पूर्फर, कलकत्ता” को निर्धारण वर्ष 1978-79 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2649/का० सं० 197/94/78-आ० क० (ए-1)]

New Delhi, the 10th January, 1979

S.O. 2008.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Little Sisters of the Poor, Calcutta” for the purpose of the said section for and from the assessment year 1978-79.

[No. 2649/F. No. 197/94/78-IT(AI)]

का० आ० 2009:—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “जवाहरलाल नेहरू मेमोरियल फूंड” को निर्धारण वर्ष 1966-67 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2650/का० सं० 197/96/78-आ० क० (ए-1)]

S.O. 2009.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Jawaharlal Nehru Memorial Fund” for the purpose of the said section for and from the assessment year 1966-67.

[No. 2650/F. No. 197/96/78-IT(AI)]

का० आ० 2010:—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “वॉल्कर फाउण्डेशन, मुम्बई” को निर्धारण वर्ष 1977-78 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2651/का० सं० 197/122/78-आ० क० (ए-1)]

S.O. 2010.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Volkart Foundation, Bombay” for the purpose of the said section for and from the assessment year 1977-78.

[No. 2651/F. No. 197/122/78-IT(AI)]

नई दिल्ली, 15 जनवरी, 1979

का० आ० 2011:—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “कैथेड्रल रिलीफ सर्विस कलकत्ता” को निर्धारण वर्ष 1976-77 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2665/का० सं० 197/215/77-आ० क० (ए-1)]

New Delhi, the 15th January, 1979

S.O. 2011.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Cathedral Relief Service, Calcutta” for the purpose of the said section for and from the assessment year(s) 1976-77.

[No. 2665/F. No. 197/215/77-IT(AI)]

नई दिल्ली, 31 जनवरी, 1979

का० आ० 2012:—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “दि जे० आर० डी० टाटा ट्रस्ट, मुम्बई” को निर्धारण वर्ष 1978-79 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2701/का० सं० 197/123/78-आ० क० (ए-1)]

New Delhi, the 31st January, 1979

S.O. 2012.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “The J.R.D. Tata Trust, Bombay” for the purpose of the said section for and from the assessment year(s) 1978-79.

[No. 2701/F. No. 197/123/78-IT(AI)]

नई दिल्ली, 1 मार्च, 1979

का० आ० 2013:—मर्मांशारण की जानकारी के लिए यह अधिसूचित किया जाता है कि विहित प्राधिकारी, प्राधीन मन्त्र, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6(iv) के साथ पठिन, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए अन्य प्राकृतिक या अनप्रमुक विज्ञान के क्षेत्र में “संस्था” प्रबंग के व्यापी निम्नलिखित भागों पर अनुमोदित किया है अर्थात् :—

(i) यह कि गण्डीय शैक्षणिक अनुसंधान और प्रशिक्षण परियद, नई दिल्ली प्राकृतिक या अनप्रमुक (छपि/प्रणाली/मास्ट्रिक्यूल) विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का पृथक हिसाब रखेगी।

(ii) यह कि उक्त परिषद् प्रत्येक वित्तीय वर्ष के लिए ग्रापने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल तक ऐसे प्रस्तुपों में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकारित किए जाएं और उसे सूचित किए जाएं।

संस्था

राष्ट्रीय वैज्ञानिक अनुसंधान और प्रशिक्षण परिषद्, नई दिल्ली।

यह अधिसूचना 13-10-78 से 12-10-81 तक की तीन वर्ष की अवधि के लिए प्रभागी होगी।

[सं० 2738/फा० सं० 203/144/78-आई टी ए-II)]

New Delhi, the 1st March, 1979

S.O. 2013.—It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, the Department of Science and Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(iv) of the Income-tax Rules, 1962 under the category 'Institution' in the area of other natural or applied sciences, subject to the following conditions :—

- that National Council of Educational Research and Training, New Delhi, will maintain a separate account of the sums received by it for scientific research in the field of natural or applied sciences (other than agriculture/animal husbandry/fisheries and medicines).
- That the said Council will furnish the annual return of its Scientific Research Activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose, by 30th April each year.

INSTITUTION

National Council of Educational Research and Training, New Delhi.

This notification is effective for a period of three years from 13-10-1978 to 12-10-1981.

[No. 2938/F. No. 203/144/78-IT A-II]

नई दिल्ली, 6 मार्च, 1979

का० आ० 2014 :—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "भॉल इण्डिया केउरेशन ऑफ रिसर्च" को निर्धारित वर्ष 1978-79 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2742 फा० सं० 197/39/79-आ० क०(ए-1)]

New Delhi, the 6th March, 1979

S.O. 2014.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "All India Federation of the Deaf" for the purpose of the said section for and from the assessment year(s) 1978-79.

[No. 2742/F. No. 197/39/79-IT (A-I)]

नई दिल्ली, 16 मार्च, 1979

का० आ० 2015 :—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "बोलकार्ट फाउण्डेशन, मुम्बई" को निर्धारित वर्ष 1976-77 के लिए भी उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2744/फा० सं० 197/122/78-आ० क०(ए-1)]

New Delhi, the 16th March, 1979

S.O. 2015.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies 'Volkart Foundation, Bombay' for the purpose of the said section for the assessment year 1976-77 also.

[No. 27144/F. No. 197/122/78-IT(A-I)]

का० आ० 2016 :—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "सेंट डनस्टान्स (इण्डिया) कॉर्ट, नई दिल्ली" को निर्धारित वर्ष 1974-75 और 1975-76 के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2745/फा० सं० 197/171/78-आ० क०(ए-1)]

S.O. 2016.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "St. Dunstan's (India) Fund, New Delhi" for the purpose of the said section for the assessment year(s) 1974-75 and 1975-76.

[No. 2745/F. No. 197/171/78-IT (A-I)]

नई दिल्ली, 22 मार्च, 1979

का० आ० 2017 :—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "इंडियन काउंसिल ऑफ सोशल बैलफैशर, हैदराबाद" को निर्धारित वर्ष 1976-77 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2750/फा० सं० 197/1/78-आ० क०(ए-1)]

New Delhi, the 22nd March, 1979

S.O. 2017.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies 'Indian Council of Social Welfare, Hyderabad' for the purpose of the said section for and from the assessment year 1976-77.

[No. 2750/F. No. 197/1/78-IT (A-I)]

का० आ० 2018 :—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (ii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "ल्यौरेडेस सोसाइटी" को निर्धारित वर्ष 1975-76 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2751/फा० सं० 197/156/78-आ० क०ए-1)]

S.O. 2018.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies 'Lourdes Society' for the purpose of the said section for and from the assessment year 1975-76.

[No. 2751/F. No. 197/156/78-IT (A-I)]

नई दिल्ली, 23 मार्च, 1979

का० आ० 2019 :—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 'नेशनल चिल्ड्रन्स फंड' को निर्धारित वर्ष 1979-80 के लिए और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2752/फा० सं० 197/55/79-आ० क० (ए-1)]

New Delhi, the 23rd March, 1979

S.O. 2019.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies 'National Children's Fund' for the purpose of the said section for and from the assessment year 1979-80.

[No. 2752/F. No. 197/55/79-IT (AD)]

नई दिल्ली, 27 मार्च, 1979

का० आ० 2020. :—सर्वसाधारण की जानकारी के लिए प्रधिसूचित किया जाता है कि विहित प्राधिकारी, अधिकारी, भारतीय सामाजिक विज्ञान अनुसंधान परिषद् ने निम्नलिखित संस्था को, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के प्रयोजनों के लिए निम्नलिखित शर्तों पर अनुमोदित किया है :—

(1) इस छूट के अधीन संस्थान द्वारा इकट्ठी की गई निधियों का उपयोग अनन्य रूप से सामाजिक विज्ञानों में अनुसंधान के संबद्धत के लिए किया जाएगा।

(2) संस्थान इस छूट के अधीन अपने द्वारा इकट्ठी की गई निधियों का हिसाब पृष्ठ से रखेगा।

(3) यह कि संस्थान, एक आविक रिपोर्ट भारतीय सामाजिक विज्ञान अनुसंधान परिषद् को भेजेगा, जिसमें इस छूट के अधीन इकट्ठा की गई निधियों और उसके उपयोग की रीत वर्णित होंगी।

संस्था
इण्डिया फाउण्डेशन, नई दिल्ली

यह प्रधिसूचना 1-4-1979 से 31-3-1982 तक तीन वर्ष की प्रवधि के लिए प्रभावी होगी।

[सं. 2755/का० सं. 203/141/78-आई टी ए-II]

New Delhi, the 27th March, 1979

S.O. 2020.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Social Science Research the prescribed authority for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, subject to the following conditions :—

1. The funds collected by the Institute under this exemption will be utilised exclusively for promotion of research in Social Sciences.
2. The Institute shall maintain separate accounts of the funds collected by them under the exemption.
3. That the Institute will send an annual report, to the Indian Council of Social Science Research, New Delhi, showing the funds collected under the exemption and the manner in which the funds were utilised.

INSTITUTION

INDIA FOUNDATION NEW DELHI

This notification is effective for a period of three years from 1-4-1979 to 31-3-1982.

[No. 2755/F. No. 203/141/78-IT A. II]

नई दिल्ली, 29 मार्च, 1979

का० आ० 2021.—सर्वसाधारण की जानकारी के लिए यह प्रधिसूचित किया जाता है कि विहित प्राधिकारी, सचिव, विज्ञान और प्रौद्योगिक विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आय-कर अधिनियम, 1962 के नियम 6 (iv) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए अन्य

प्राकृतिक या अनुप्रयुक्त विज्ञान के क्षेत्र में "संस्था" प्रबर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि अदी शंकर अद्वैत अनुसंधान केन्द्र, मद्रास अनुप्रयुक्त (हिंदू/पश्चात्यानन्द/मात्स्यकी और ग्रीष्मधिंश से भिन्न) विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का पृष्ठक हिसाब रखेगा।
- (ii) यह कि उक्त केन्द्र, अपने वैज्ञानिक अनुसंधान मंडली क्रियाकलापों की वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल, तक ऐसे प्रलिपों में प्रस्तुत करेगा जो इस प्रयोजन के लिए प्रधिकृति किए जाएं और उसे सूचित किए जाएं।

संस्था

अदी शंकर अद्वैत अनुसंधान केन्द्र, मद्रास

यह प्रधिसूचना 1-1-1979 से 31-12-1979 तक की एक वर्ष की प्रवधि के लिए प्रभावी होगी।

[सं. 2757/का० सं. 203/198/78-आई टी ए-II]

New Delhi, the 29th March, 1979

INCOME TAX

S.O. 2021.—It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, the Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(iv) of the Income-tax Rules, 1962 under the category "Association" in the area of other natural or applied sciences, subject to the following conditions :—

- (i) that the Adi Sankara Advaita Research Centre, Madras will maintain a separate account of the sums received by it for scientific research in the field of natural or applied sciences (other than agriculture/animal husbandry/fisheries & medicines);
- (ii) That the said Centre will furnish the annual return of its Scientific Research Activities to the prescribed authority for every year in such forms as may be laid down and intimated to them for this purpose, by 30th April, each year.

INSTITUTION

ADI SANKARA ADVAITA RESEARCH CENTRE, MADRAS

This notification is effective for a period of one year from 1st January, 1979 to 31st December, 1979.

[No. 2757/F. No. 203/198/78-IT A. II]

नई दिल्ली, 7 अप्रैल, 1979

का० आ० 2022. :—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त प्रक्रियों का प्रयोग करते हुए, "सोसाइटी कॉर कम्प्रीहेन्सी एन्ड डेल्टि प्रोजेक्ट एंड इंडस्ट्री" की निर्धारण वर्ष 1978-79 और 1979-80 के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं. 2761/का० सं. 197/149/78-आ० क० (ए-I)]

New Delhi, the 7th April, 1979

S.O. 2022.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Society for Comprehensive Rural Health Project of India" for the purpose of the said section for the assessment year(s) 1978-79 and 1979-80.

[No. 2761/F. No. 197/149/78-IT(AI)]

का० आ० 2023.—केन्द्रीय सरकार, आय-कर अधिनियम 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "इंडो जर्मन सोसाइटी सोसाइटी" को निर्धारण वर्ष 1976-77, 1977-78 और 1978-79 के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2762/फा० सं० 197/169/78-आ० क० (ए-1)]

S.O. 2023.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Indo-German Social Service Society" for the purpose of the said section for the assessment years 1976-77, 1977-78 and 1978-79.

[No. 2762/F. No. 197/169/78-IT (AI)]

का० आ० 2024.—केन्द्रीय आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, रॉयल कामलैंस बोसाइटी फॉर डि ब्लाइन्ड के निर्धारण वर्ष 1976-77 के लिये और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2763/फा० सं० 197/142/78-आ० क० (ए-1)]

S.O. 2024.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies 'Royal Commonwealth Society For the Blind' for the purpose of the said section for and from the assessment year 1976-77.

[No. 2763/F. No. 197/142/78-IT (AI)]

नई दिल्ली, 9 अप्रैल, 1979

का० आ० 2025.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, दिल्ली "सोमाइटी फार वि बैलफोर ब्रॉन्फ मेंटली रिटार्ड विलेन" को निर्धारण वर्ष 1977-78 के लिये और से उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 2765/फा० सं० 197/19/79-आ० क० (ए-1)]

New Delhi, the 9th April, 1979

S.O. 2025.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Delhi Society for the Welfare of Mentally Retarded Children" for the purpose of the said section for and from the assessment year(s) 1977-78.

[No. 2765/F. No. 197/19/79-IT (AI)]

शुद्धि-पत्र

का० आ० 2026.—राजस्व विभाग, अधिसूचना सं० 2467 (फा० सं० 203/97/78-II-ए-II) तारीख 11-8-1978 में निम्नलिखित संशोधन करती है:—

अधिसूचना में उपविधि प्रयोजकों के नामों के पश्चात् निम्नलिखित प्रविधियाँ जोड़ी जायेंगी :—

सहप्रयोजकों के नाम 1. श्री अम्बिका मिल्स लिमिटेड, अहमदाबाद।

2. भारत विजय मिल्स लिमिटेड, कलोल (एन०जी०)

3. मानोक लाल द्वारीलाल निर्माण एण्ड मीनुकॉर्पोरेशन क० लिमिटेड, अहमदाबाद।

[सं० 2766/फा० सं० 203/92/78-आ०-टी०-ए०-II)]

CORRIGENDUM

S.O. 2026.—The Department of Revenue hereby amend the notification No. 2467 (F. No. 203/92/78-ITA. II) dated 11-8-1978 as under :—

The following entries may be added after the name of the sponsors indicated in the Notification. Name of the Co-sponsors.

1. Shri Ambica Mills Ltd. Ahmedabad.

2. Bharat Vijay Mills Ltd. Kalol (N.G.).

3. Meneklal Harilal Spg. & Mfg. Co. Ltd., Ahmedabad.

[No. 2766/F. No. 203/92/78-IT A. III]

नई दिल्ली, 17 अप्रैल, 1979

का० आ० 2027—सर्वसाधारण की जानकारी के सिये यह अधिसूचित किया जाता है कि विद्वित प्राधिकारी, अर्थात् भारतीय चिकित्सा अनुसंधान परिषद्, नई दिल्ली, ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6(ii) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खण्ड (ii) के प्रयोजनों के लिये चिकित्सा अनुसंधान ने देश में 'वैज्ञानिक अनुसंधान संस्था' प्रबंध के प्रशीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

(1) यह कि संस्था, चिकित्सा अनुसंधान के क्षेत्र में वैज्ञानिक अनुसंधान के लिये प्राप्त राशियों का पृथक् हिसाब रखेगी।

(2) यह कि संस्था, प्रत्येक वित्तीय वर्ष के लिये अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलालों की एक वार्षिक विवरण परिषद् को प्रति वर्ष 31 मई तक दें प्रस्तुत करेगी जो इस प्रयोजन के लिये अधिकारित किये जायें और उसे सूचित किये जायें।

संस्था

चूरो श्राटोलाजिकल एण्ड इक्युलिक्रिमैटिक सोसाइटी अ० ए० इण्डिया इस्टीनिटिट्यूट ब्रॉन्फ मैडिकल साईंसेज नई दिल्ली, यह अधिसूचना 18-9-1978 से 17-9-1980 तक की दो वर्ष की अवधि के लिये प्रभावी होगी।

[सं० 2772/फा० सं० 203/142/78-आ०-टी०-ए०-II)]

New Delhi, the 17th April, 1979

S.O. 2027.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(ii) of the Income-tax Rules, 1962 under the category of "Scientific Research Association" in the field of Medical Research, subject to the following conditions :—

1. That the institution will maintain a separate account of the sums received by it for scientific research in the field of medical research.

2. That the institution will furnish annual returns of its scientific research activities to the Council for each financial year by 31st May each year at the latest in such form as may be laid down and intimated to them for this purpose.

INSTITUTION

NEURO-OTOLOGICAL & EQUILIBRIOMETRIC SOCIETY OF INDIA, ALL INDIA INSTITUTE OF MEDICAL SCIENCES, NEW DELHI

This notification is effective for a period of 2 years from 18-9-1978 to 17-9-1980.

[No. 2772/F. No. 203/142/78-ITA II]

नई दिल्ली, 24 अप्रैल, 1979

का० आ० 2028.—सर्वसाधारण की जानकारी के लिये यह प्रधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् भारतीय सामाजिक विज्ञान अनुसंधान परिषद् ने निम्नलिखित संस्था को, आय-कर प्रधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के प्रयोजनों के लिये निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्—

1. इस छूट के प्रधीन टाइम्स रिसर्च फाउंडेशन, मुम्बई द्वारा इकट्ठा की गई निधियों का उपयोग अनन्य रूप से सामाजिक विज्ञानों में अनुसंधान के संवर्धन के लिये किया जायेगा।

2. यह कि संस्थान, इस छूट के प्रधीन प्रपत्रे द्वारा इकट्ठा की गई निधियों का पृथक लेका रखेगा।

3. यह कि संस्थान, भारतीय सामाजिक विज्ञान अनुसंधान परिषद्, नई दिल्ली को एक वार्षिक रिपोर्ट भेजेगा, जिसमें इस छूट के प्रधीन इकट्ठा की गई निधियां और उन निधियों के उपयोग किये जाने की रीत विवलायी जायेगी।

संस्था

टाइम्स रिसर्च फाउंडेशन, मुम्बई

यह प्रधिसूचना 1-4-1979 से 31-3-1981 तक की 2 वर्ष की प्रवधि के लिये प्रभावी होगी।

[सं० 2773/फा० सं० 203/27/79-प्राईंटी०ए०-II]

New Delhi, the 24th April, 1979

S.O. 2028.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Social Science Research the prescribed authority for the purpose of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, subject to the following conditions :—

1. The funds collected by the Times Research Foundation, Bombay under this exemption will be utilised, exclusively for promotion of research in social sciences.
2. That the institute shall maintain separate accounts of the funds collected by them under the exemption.
3. That the institute shall send an Annual Report to the Indian Council of Social Science Research, New Delhi, showing the funds collected under the exemption and the manner in which the funds were utilised.

INSTITUTION

Times Research Foundation, Bombay.

This notification is effective for a period of 2 years from 1-4-1979 to 31-3-1981.

[No. 2773/F. No. 203/27/79-ITA II]

नई दिल्ली, 25 अप्रैल, 1979

का० आ० 2029.—केन्द्रीय सरकार, आय-कर प्रधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23-ग) के खण्ड (4) द्वारा प्रवत्त शक्तियों का प्रयोग करने हुए "सेवा मंचिर, उदयपुर" को निष्पारण वर्ष 1975-76 के लिये और से उक्त धारा के प्रयोजनावधि सूचित करती है।

[सं० 2774/फा० सं० 197/34/79-प्रा०क० (ए०-1)]

New Delhi, the 25th April, 1979

S.O. 2029.—In exercise of the powers conferred by clause (iv) of sub-section (23C) of section 10 of the Income-tax Act, 1961, (43 of 1961), the Central Government hereby notifies 'Seva Mandir, Udaipur' for the purpose of the said section for and from the assessment year 1975-76.

[No. 2774/F. No. 197/34/79-ITA (AI)]

नई दिल्ली, 5 मई, 1979

का० आ० 2030.—सर्वसाधारण की जानकारी के लिये यह प्रधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् भारतीय चिकित्सा अनुसंधान परिषद् ने निम्नलिखित संस्था को, आय-कर नियम, 1962 के नियम 6(ii) के साथ पठित, आय-कर प्रधिनियम, 1961 की धारा 35 की उपधारा (i) के खण्ड (ii) के प्रयोजनों के लिये चिकित्सा अनुसंधान के क्षेत्र में "वैज्ञानिक अनुसंधान संस्था" प्रबन्ध के प्रधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्—

- (1) यह कि संस्था चिकित्सा अनुसंधान के क्षेत्र में वैज्ञानिक अनुसंधान के लिये प्राप्त राशियों का पृथक हिसाब रखेगी।
- (2) यह कि संस्था प्रत्येक वित्तीय वर्ष के लिये अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी परिषद् को प्रति वर्ष 31 मई तक ऐसे प्रकल्पों में प्रस्तुत करेगी जो इस प्रयोजन के लिये अधिकारित किये जायेंगे और उसे सूचित किया जाये।

संस्था

चारतर आरोग्य मण्डल बलभद्र विद्यानगर, कैरा

यह प्रधिसूचना 24-4-1979 से 23-4-1981 तक की दो वर्ष की प्रवधि के लिये प्रभावी होगी।

[मं० 2802/फा० सं० 203/32/79-प्राईंटी०ए०-II]

New Delhi, the 5th May, 1979

S.O. 2030.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with rule 6(ii) of the Income-Tax Rules 1962 under the category of "Scientific research association" in the field of medical research subject to the following conditions :—

- (i) That the Institution will maintain a separate account of the sums received by it for scientific research in the field of medical research.
- (ii) That the Institution will furnish annual returns of its scientific research activities to the Council for each financial year by 31st May each year at the latest in such form as may be laid down and intimated to them for this purpose.

INSTITUTION

Charutar Arogya Mandal Vallabh Vidyanagar, Kaira.

This notification is effective for a period of 2 years from 24-4-1979 to 23-4-1981.

[No. 2802/F. No. 203/32/79-ITA-III]

नई दिल्ली, 8 मई, 1979

का० आ० 2031.—सर्वसाधारण की जानकारी के लिये यह प्रधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् संवित, विज्ञान और प्रोग्रामिक विभाग, नई दिल्ली, में निम्नलिखित संस्था को आय-कर प्रधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिये आय प्राप्तिक या मनुप्रयुक्त विज्ञान के क्षेत्र में निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्—

- (1) यह कि केन्द्रीय ईश्वर अनुसंधान संस्था, प्रबन्ध विभाग, प्राप्ति प्रयुक्ति, (कृषि/पशु-पालन/मार्यादा) और औषधि से

- भिन्न) विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिये प्राप्त राशियों का हिसाब पृथक से रखेगा।
- (2) यह कि उक्त मंस्थान प्रत्येक वित्तीय वर्ष के लिये अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल, तक ऐसे प्रलापों में प्रस्तुत करेगा जो इस प्रयोजन के लिये अधिकृत किये जायें और उसे सूचित किये जायें।

संस्था

केन्द्रीय ईंधन अनुसंधान संस्था, धनबाद,

यह अधिसूचना 6-12-1978 से प्रभावी होगी।

[सं. 2810/फा० सं. 203/179/78-प्राई०टी०ए०-II]

New Delhi, the 8th May, 1979

S.O. 2031.—It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, the Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, in the area of other natural or applied sciences, subject to the following conditions :—

- (i) that the Central Fuel Research Institute, Dhanbad will maintain a separate account of the sum received by it for scientific research in the field of natural or applied sciences (other than agriculture/animal husbandry/fisheries & medicines).
- (ii) That the said institute will furnish the annual return of its Scientific Research Activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose, by 30th April, each year.

INSTITUTION

Central Fuel Research Institute, Dhanbad.

This notification is effective from 6-12-1978.

[No. 2810/F. No. 203/179/78-ITA-II]

खा० प्रा० 2032.—इस विभाग की अधिसूचना सं. 1671 (फा० सं. 203/118/76-प्राई०टी०ए०-II), जारी 24-2-1977 के क्रम में सर्वसाधारण की जानकारी के लिये यह अधिसूचित किया जाता है कि विहित प्राधिकारी, प्रधार्ति विज्ञान और प्रौद्योगिक विभाग, नई दिल्ली, ने निम्नलिखित मंस्था को प्राप्त-कर नियम, 1962 के नियम 6(1) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिये अस्य प्राकृतिक या अनुप्रयुक्त विज्ञान के क्षेत्र में "मंस्थान" प्रबर्ग के अधीन निम्नलिखित गतीं पर अनुमोदित किया है, प्रधार्ति :—

- (1) यह कि भारतीय रसायन इंजीनियरी संस्थान, कलकत्ता प्राकृतिक या अनुप्रयुक्त (कृषि/पशु-पालन/मात्स्यकी और प्रौद्योगिक से भिन्न) विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिये प्राप्त राशियों का हिसाब पृथक से रखेगी।
- (2) यह कि उक्त मंस्थान, प्रत्येक वित्तीय वर्ष के लिये अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल, तक ऐसे प्रलापों में प्रस्तुत करेगा जो इस प्रयोजन के लिये अधिकृत किये जायें और उसे सूचित किये जायें।

संस्था

भारतीय रसायन इंजीनियरी संस्थान, कलकत्ता।

यह अधिसूचना 1-4-1979 से 31-3-1982 तक की तीन वर्षों की प्रवधि के लिये प्रभावी होगी।

[मं. 2809/फा० मं. 203/68/79-प्राई०टी०ए०-II]

S.O. 2032.—In continuation of this Deptt's Notification No. 1671 (F. No. 203/118/76-ITA-II) dated the 24-2-1977 it is hereby notified for general information that the institution mentioned below has been approved by the Secretary, the Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(iv) of the I.T. Rules, 1962, under the category of 'Institution' in the area of other natural or applied sciences, subject to the following conditions :—

- (i) that the Indian Institution of Chemical Engineers, Calcutta, will maintain a separate account of the sum received by it for scientific research in the field of natural or applied sciences (other than agriculture/animal husbandry/fisheries & medicines),
- (ii) That the said Institution will furnish the annual return of its Scientific Research Activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose, by 30th April, each year.

INSTITUTION

Indian Institution of Chemical Engineers, Calcutta.

This notification is effective for a period of three years from 1-4-1979 to 31-3-1982.

[No. 2809/F. No. 203/68/79-ITA-II]

खा० प्रा० 2033.—सर्वसाधारण की जानकारी के लिये यह अधिसूचित किया जाता है कि विहित प्राधिकारी, प्रधार्ति मविव, विज्ञान और प्रौद्योगिक विभाग, नई दिल्ली, ने निम्नलिखित संस्था को, आय-कर नियम, 1962 के नियम 6(4) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिये अस्य प्राकृतिक या अनुप्रयुक्त विज्ञान के क्षेत्र में "संस्था" प्रबर्ग के अधीन निम्नलिखित गतीं पर अनुमोदित किया है, प्रधार्ति :—

- (1) यह कि भारतीय पेट्रोलियम संस्थान, देहरादून प्राकृतिक या अप्रयुक्त (कृषि/पशु-पालन/मात्स्यकी और प्रौद्योगिक से भिन्न) विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिये प्राप्त राशियों का पृथक हिसाब रखेगी।
- (2) यह कि उक्त मंस्था, प्रत्येक वित्तीय वर्ष के लिये अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी विहित प्राधिकारी को, प्रति वर्ष 30 अप्रैल, तक ऐसे प्रलापों में प्रस्तुत करेगी जो इस प्रयोजन के लिये अधिकृत किये जायें और उसे सूचित किये जायें।

संस्था

भारतीय पेट्रोलियम संस्थान, देहरादून

यह अधिसूचना 12 मार्च, 1979 से प्रभावी है।

[सं. 2807(फा० सं. 203/37/79-प्राई०टी०ए०-II)]

S.O. 2033.—It is hereby notified for general information that the institution mentioned below has been approved by the Secretary, the Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(iv) of the Income-tax Rules, 1962 under the category of 'Association' in the area of other natural or applied sciences, subject to the following conditions :—

- (i) that the Indian Institute of Petroleum, Dehradun will maintain a separate account of the sum received by it for scientific research in the field of natural or applied sciences (other than agriculture/animal husbandry/fisheries and medicines),
- (ii) That the said institute will furnish the annual return of its Scientific Research Activities to the prescribed authority for every financial year in such forms as

may be laid down and intimated to them for this purpose, by 30th April, each year.

INSTRUCTION

The Indian Institute of Petroleum, Dehradun.

This notification is effective from 12th March, 1979.

[No. 2807/F. No. 203/37/79-ITA.III]

का० आ० 2034 :—सर्वेसाधारण की जानकारी के लिए यह प्रधिसूचित किया जाता है कि निम्नलिखित संस्था को, विहित प्राधिकारी, प्रथम, भारतीय कृषि अनुसंधान परिषद द्वारा आय-कर प्रधिनियम, 1961 को धारा 35 की उपधारा (1) के अन्तर्गत (ii) के प्रयोजनों के लिए प्रनुभोवित किया गया है।

संस्था

श्री गणेश अनुसंधान संस्थान, दिल्ली

यह प्रधिसूचना, तारीख 1-4-1979 से तारीख 31-3-1981 तक की दो वर्ष की प्रवधि के लिए प्रभावी होगी।

[सं० 2808 (का० सं० 203/37/78-आई टी ए-II)]

S.O. 2034.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Agricultural Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961.

INSTITUTION

Shri Ganesh Research Institute, Delhi.

This notification is effective for a period of two years from 1-4-1979 to 31-3-1981.

[No. 2808/F. No. 203/37/78-ITA.III]

नई दिल्ली, 19 मई, 1979

का० आ० 2035 :—इस विभाग की प्रधिसूचना सं० 1574, तारीख 1-11-1976 के अम में, सर्वेसाधारण की जानकारी के लिए यह प्रधिसूचित किया जाता है कि विहित प्राधिकारी, प्रथम, सचिव, विभाग और वैज्ञानिक विभाग नई दिल्ली, ने निम्नलिखित संस्था को, आय-कर प्रधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत (ii) के प्रयोजनों के लिए अन्य प्राकृतिक या अनुप्रयुक्त विज्ञान के क्षेत्र में निम्नलिखित घटते पर अनुभोवित किया है, प्रथम:—

(i) यह कि भारतीय तापा सूचना केन्द्र, कलकत्ता, प्राकृतिक या अनुप्रयुक्त (कृषि/पशुपालन/भास्त्यकी और औषधि से भिन्न) विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का पृथक हिसाब रखेगा।

(ii) यह कि उक्त केन्द्र, प्रत्येक वित्तीय वर्ष के लिए वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल तक ऐसे प्राप्तियों में प्रस्तुत करेगा जो इस प्रयोजन के लिए प्रधिकृत किए जाएं और उसे सूचित किए जाएं।

संस्था

भारतीय तापा सूचना केन्द्र, कलकत्ता

यह प्रधिसूचना 1-4-1979 से 31-3-1982 तक की तीन वर्ष की प्रवधि के लिए प्रभावी होगी।

[सं० 2825 /का० सं० 203/46/79-आई टी ए-II]

जे०पी० शर्मा, निदेशक

New Delhi, the 19th May, 1979

S.O. 2035.—In continuation of this Deptt. Notification No. 1547 dated 1-11-1976 it is hereby notified for general information that the institution mentioned below has been approved by the Secretary, the Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause

(ii) of sub-section (I) of Section 35 of the Income-tax Act, 1961, in the area of other natural or applied sciences, subject to the following conditions :—

- (i) That the Indian Copper Information Centre, Calcutta will maintain a separate account of the sums received by it for scientific research in the field of natural or applied sciences (other than agriculture/animal husbandry/fisheries & medicines).
- (ii) That the said Centre will furnish the annual return of its Scientific Research Activities to the prescribed authority for every financial year in such forms as may be laid down and intimated to them for this purpose, by 30th April, each year.

INSTITUTION

Indian Copper Information Centre, Calcutta.

This notification is effective for a period of 3 years from 1-4-1979 to 31-3-1982.

[No. 2825/F. No. 203/46/79-ITA.III]

J. P. SHARMA, Director

नई दिल्ली, 1 मई, 1979

आयकर

का० आ० 2036:—आयकर प्रधिनियम, 1961 (1961 का 43) की धारा 2 के अन्तर्गत (44) के उपव्याप्त (iii) के अनुसरण में, केन्द्रीय सरकार एवं द्वारा आय-कर सरकार के राजस्व और बैंकिंग विभाग की दिनांक 11-5-1977 की प्रधिसूचना सं० 1770 (का० सं० 404/103/77-आ०क०स०क०) में निम्नलिखित संस्थाएँ करती हैं; प्रथम, उपर्युक्त प्रधिसूचना में “श्री आर० नरसिंहन और श्री ईमदूल रजाक” शब्दों के स्थान पर, “श्री एन० सैयद अब्दुल रजाक” शब्द और भक्त अतिथि प्रतिस्थापित किये जायें।

[सं० 2793/का० सं० 404/97(क०ब०आ०तमिनताक०) 79-आ०क०स०क०]

New Delhi, the 1st May, 1979

INCOME-TAX

S.O. 2036.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the notification of the Government of India in the Department of Revenue and Banking No. 1770 (F. No. 404/103/77-ITCC) dated 11-5-1977 namely; In the said Notification for the words “Shri R. Narasimhan and Shri N. Syed Abdul Razaq” the words and letters “Shri N. Syed Abdul Razaq” shall be substituted.

[No. 2793/F. No. 404/97(TRO-TN)/79-ITCC]

का० आ० 2037:—आयकर प्रधिनियम, 1961 (1961 का 43) की धारा 2 के अन्तर्गत (44) के अनुसरण में और आय-कर सरकार के राजस्व विभाग की दिनांक 28-11-78 की प्रधिसूचना सं० 2596 (का० सं० 404/103/78-आ०क०स०क०) के प्रधिसूचना में, केन्द्रीय सरकार, एवं द्वारा, श्री जे० श्रीनिवासन को, जो केन्द्रीय सरकार के राजपत्रित प्रधिकारी है उक्त प्रधिनियम के अनुसार कर वसूली प्रधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह प्रधिसूचना, श्री जे० श्रीनिवासन के कर वसूली प्रधिकारी के स्प में कार्यभार संभालने की तारीख में लागू होगी।

[सं० 2795/का० सं० 404/97(क०ब०आ०तमिनताक०) 79-आ०क०स०क०]

S.O. 2037.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income Tax Act, 1961 (43 of 1961), and in supersession of the Notification of Government of India in the Department of Revenue No. 2596 (F. No. 404/103/78-ITCC) dated 28-11-78, the Central Government hereby authorises Shri J. Srinivasan being a gazetted officer of the Central Government, to exercise of the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri J. Srinivasan takes over charge as Tax Recovery Officer.

[No. 2795/F. No. 404/97(TRO-TN)/79-ITCC]

का०आ० 2038.—प्रायकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (III) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, श्री जी० कृष्णमूर्ति श्रीर श्री श्री० एस० मेधू को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अन्तर्गत कार बसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री जी० कृष्णमूर्ति श्रीर श्री श्री० एस० मेधू के कर वसूली अधिकारी के रूप में कार्यभार संभालने की तारीख से लागू होगी।

[सं० 2797/फा०सं० 404/97(क०ब०आ०-तमिलनाडू)/79-आ०क०स०क०]

S.O. 2038.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri G. Krishnamurthy and Shri V. S. Mathew being gazetted Officers of the Central Government, to exercise the powers of Tax Recovery Officers under the said Act.

2. This Notification shall come into force with effect from the date S/Shri G. Krishnamurthy and V. S. Mathew take over the charge as Tax Recovery Officers.

[No. 2797 (F. No. 404/97(TRO-TN)/79-ITCC)]

नई दिल्ली, 3 मई, 1979

का०आ० 2039.—प्रायकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (III) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा श्री एस० श्री० मेहता और श्री ए० पी० कैकरिया को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अधीन कार बसूली अधिकारी के अधिकारों का प्रयोग कारने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री एम० पी० मेहता नवा श्री ए० पी० कैकरिया कार बसूली अधिकारी के रूप में कार्यभार व्यवहार करने की तारीख से लागू होगी।

[सं० 2799/फा०सं० 404/103(क०ब०आ०-ममतमर)/79-आ०क०स०क०]

ए० ० वेक्टरामन, उपसचिव

New Delhi, the 3rd May, 1979

S.O. 2039.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby authorises S/Shri S. P. Mehta and A. P. Kackria being gazetted officers of the Central Government, to exercise the powers of Tax Recovery Officers under the said Act.

2. This Notification shall come into force with effect from the date S/Shri S. P. Mehta and A. P. Kackria take over the charge as Tax Recovery Officers.

[No. 2799 (F. No. 404/103 (TRO-ASR)/79-ITCC)]
H. VENKATRAMAN, Dy. Secy.

नई दिल्ली, 16 मई, 1979

प्रायकर

का०आ० 2040.—प्रायकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (III) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, भारत सरकार के राजस्व विभाग की वित्तीक 5 प्रगत 1978 की अधिसूचना सं० 2462 (फा०सं० 404/9/117-आ०ब०क०म०) में निम्नलिखित संशोधन करती है, अतः उक्त अधिसूचना में “श्री श्री० ए० गुप्त, श्री श्री० पी० गोविल तथा श्री ए० ए० गुप्त खण्डनवाल” शब्दों के लिए “श्री श्री० ए० गुप्त तथा श्री श्री० पी० गोविल” शब्द और अक्षर प्रतिस्थापित किए जाएंगे।

[सं० 2815/फा०सं० 404/111/क०ब०आ०-जयपुर/79-आ०क०मा०क०]

New Delhi, the 16th May, 1979

INCOME TAX

S.O. 2040.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the notification of the Government of India in the Department of Revenue No. 2462 (F. No. 404/91/77-ITCC) dated 5-8-78 namely : In the said Notification for the words “SARV SHRI B. L. GUPTA, D. P. GOVIL AND H. L. KHANDELWAL. the words and letters “SARVA SHRI B. L. GUPTA AND D. P. GOVIL” shall be substituted.

[No. 2815 (F. No. 404/111/TRO-Jaipur/79-ITCC)]

का०आ० 2041 :—प्रायकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, श्री श्री० ए० यादव, श्री एस० पी० गुप्त तथा श्री श्रीराम को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अधीन कार बसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री श्री० ए० यादव, श्री एस० पी० गुप्त और श्री श्रीराम के कर वसूली अधिकारी के रूप में कार्यभार व्यवहार करने की तारीख से लागू होगी।

[सं० 2811/फा० सं० 404/111 (क० ब० आ०-जयपुर)/79-आ० क० स० क०)]

S.O. 2041.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises S/Shri D. L. Yadav, S. P. Gupta and Sri Ram being gazetted officers of the Central Government, to exercise the powers of Tax Recovery Officers under the said Act.

2. This Notification shall come into force with effect from the date S/Shri D. L. Yadav, S. P. Gupta and Sri Ram take over charge as Tax Recovery Officers.

[No. 2811 (F. No. 404/111(TRO-Jaipur/79-ITCC)]

का०आ० 2042 :—प्रायकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में केन्द्रीय सरकार, एतद्वारा, भारत सरकार के राजस्व विभाग की वित्तीक 25 फरवरी 1978 की अधिसूचना सं० 2196 (फा० संल्ला० 404/91/77-पा० क० स० क०) में निम्नलिखित संशोधन करती है, अतः उक्त अधिसूचना में “श्री एस० श्री० जैन तथा श्री के० शर्मा” शब्दों के लिए “श्री एम० श्री० जैन” शब्द और अक्षर प्रतिस्थापित किए जाएंगे।

[सं० 2813 (फा० सं० 404/111/क० ब० आ०-जयपुर/79-आ० क० स० क०)]

S.O. 2042.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the notification of the Government of India in the Department of Revenue No. 2196 (F. No. 404/91/77-ITCC) dated 25-2-78 namely : In the said notification for the words “SARVA SHRI S. C. JAIN AND K. K. SHARMA” the words and letters “SHRI S. C. JAIN” shall be substituted.

[No. 2813 (F. No. 404/111/TRO-Jaipur/79-ITCC)]

(केन्द्रीय प्रस्तक कर दोड़े)

नई दिल्ली, 25 मई, 1979

प्रायकर

का०आ० 2043.—प्रायकर अधिनियम, 1961 (1961 का 43) की धारा 194 के उपधारा (3) के खण्ड (iii) के उपखण्ड (ii) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, मद्रास कटिलाई-

जर्स लिमिटेड, मद्रास को उक्त उपचार के प्रयोग के लिये अधिसूचित करती है।

[का० सं० 275/38/78-प्राय-कर बजट]
एस० प्राय-कर बजट, उप सचिव

(Central Board of Direct Taxes)

New Delhi, the 25th May, 1979

INCOME-TAX

S.O. 2043.—In pursuance of sub-clause (f) of clause (iii) of sub-section (3) of section 194A of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the Madras Fertilizers Limited, Madras, for the purposes of the said sub-clause.

[F. No. 275/38/78-ITB]

S. R. WADHWA, Dy. Secy.

नई विलम्बी, 4 जून, 1979

आय-कर

का०आ० 2044—केन्द्रीय प्रत्यक्षकर बोर्ड प्राय-कर अधिनियम, 1961 (1961 का 43) की धारा 246 की उपधारा (2) के बाण्ड (1) द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए और केन्द्रीय प्रत्यक्ष कर बोर्ड की अधिसूचना सं० 2381 (का० स० 279/42/77-प्राइटीजे) तारीख 7 जूनाई 1978 को अधिकांत करते हुए, भामलों की प्रकृति, उनमें अन्तर्वलित जटिलताओं और भ्रम सुसंगत बातों को ध्यान में रखते हुए, यह निवेश करता है कि [उक्त अधिनियम की धारा 246 की उपधारा (2) के बाण्ड (2) से (ज) तक (जिसमें ये दोनों सम्मिलित हैं) में विनिर्विष्ट आवेदनों से भ्रम] निम्नलिखित किसी भी आवेदन से अविष्ट (कम्पनी से भ्रम) कोई भी निर्धारित उक्त आवेदन के विषय आय-कर आवृक्त (अपील) को अपील कर सकेगा, अवधि:—

(i) ऐसे निर्धारित के विषय जो उक्त अधिनियम की धारा 2(31) में वर्णित कोई व्यक्ति (कम्पनी से भ्रम) है, कोई आवेदन जहाँ निर्धारित उक्त अधिनियम के प्रधीन निर्धारित किए जाने के भ्रम से वायिल्स से इकार करता है या उक्त अधिनियम की धारा 143 की उपधारा (3) या धारा 144 के प्रधीन निर्धारण का कोई आवेदन जहाँ निर्धारित आय की रकम के प्रति या अवधारित कर की रकम के प्रति, या संगणित हानि की रकम के प्रति या ऐसी प्राप्तियों के प्रति जिसके प्रधीन उसका निर्धारण किया गया हो, आवेदन करता है और इस प्रकार निर्धारित आय दी रकम या इस प्रकार निर्धारित आय की रकम पर संगणित हानि की रकम एक लालू रूपये से अधिक है।

(ii) ऊपर (i) में विविष्ट व्यक्तियों या व्यक्तियों के बांगों के मामले में उक्त अधिनियम की धारा 246 की उपधारा (1) के बाण्ड (प) से (ग) तक में (जिसमें ये दोनों सम्मिलित हैं) विनिर्विष्ट आवेदन।

[सं० 2845/का०सं० 279/42/78-प्राइटीजे]

एस० के० भट्टनागर, अवर सचिव

New Delhi, the 4th June, 1979

INCOME-TAX

S.O. 2044.—In exercise of the powers conferred by clause (i) of sub-section (2) of section 246 of the Income-tax Act, 1961 (43 of 1961), and in supersession of the Notification of the Central Board of Direct Taxes No. 2381 (F. No. 279/42/77-ITJ), dated the 7th July, 1978, the Central Board of Direct Taxes, having regard to the nature of the cases, the complexities involved and other relevant considerations, hereby directs that any assessee (other than a company) aggrieved

by any of the following orders (other than the orders specified in clauses (b) to (h) (both inclusive) of sub-section (2) of section 246 of the said Act) shall appeal to the Commissioner of Income-tax (Appeals) against such order, namely:—

- (i) an order against the assessee, being a person (other than a company) mentioned in section 2(31) of the said Act, where the assessee denies his liability to be assessed under the said Act or any order of assessment under sub-section (3) of section 143 or section 144 of the said Act, and the assessee objects to the amount of income assessed, or to the amount of tax determined, or to the amount of loss computed, or to the status under which he is assessed, and the amount of income so assessed or the amount of loss so computed exceeds one lakh rupees;
- (ii) an order specified in clauses (d) to (o) (both inclusive) of sub-section (1) of section 246 of the said Act in the case of persons or classes of persons referred to in (i) above.

[No. 2845 (F. No. 279/42/78-ITJ)]

S. K. BHATNAGAR, Under Secy.

आधिक कार्य विभाग

(वैकाश प्रभाग)

नई विलम्बी, 30 मई, 1979

का०आ० 2045.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 50 द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए भारत सरकार निम्नलिखित फर्मों को 1978-79 के लिए भारतीय रिजर्व बैंक के लेखा परीक्षक के रूप में फिर नियुक्त करती है।

1. मेसर्स के० एस० प्रभ्यर एंड कम्पनी, चार्टर्ड अकाउंटेंट, 49, अपोलो स्ट्रीट, बम्बई-23।
2. मेसर्स के० एन० गुटगुटिया एंड कम्पनी, चार्टर्ड अकाउंटेंट, 10/2 हंगर-फोड स्ट्रीट, कलकत्ता-700017।
3. मेसर्स मुख्यर एंड श्रीनिवासन, चार्टर्ड अकाउंटेंट, 161, मार्चेंट रोड, मद्रास-2।

[सं० एफ० 1(6)/78-अकाउंट]

एन० बालासुब्रह्मण्यन, उप सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 30th May, 1979

S.O. 2045.—In exercise of the powers conferred by Section 50 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby reappoint the following firms of Chartered Accountants as Auditors of the Reserve Bank of India for the year 1978-79 namely:—

1. M/s. K. S. Aiyar & Co., Chartered Accountants, 49, Appollo Street, Bombay-23.
2. M/s. K. N. Gutgutia & Co., Chartered Accountants, 10/2, Hungerford Street, Calcutta-17.
3. M/s. Sundaram & Srinivasan, Chartered Accountants, 161, Mount Road, Madras-2.

[No. 1(6)79/Accounts]

N. BALASUBRAMANIAN, Dy. Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 4 जून, 1979

का० शा० 2046.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपर्युक्त, इस अधिसूचना के प्रकाशित होने की तारीख से 28 फरवरी, 1981 तक की अवधि के लिए मिदनापुर पीपल्स कोऑपरेटिव बैंक निमिटेड, मिदनापुर पर उम सीमा तक लागू नहीं होगे जहाँ तक इनका संबंध नीचे भतायी गई कुछ गैर बैंकिंग परिस्थितियों की ध्यानिति है :—

बैंकिंग परिस्थितियां

क्रम स्थान जहाँ पर स्थित है	विवरण
1. मिदनापुर नगर पालिका की माउजा केरानीटोला में	आई० एन० टी० नं० 14, प्लाट नं० 126, ०८ १/४ बेका० भूमि-मूल्य ३,०००/- रुपये के भवत को मिलाकर
2. —तरीका—	आई० एन० टी० नं० 14, प्लाट नं० 128, ०८ १/४ बेका० भूमि-४०,०००/- रुपये के भवत को मिलाकर
3. भारतपाल माउजा आस अंगल में।	आई० एन० टी० नं० 2, प्लाट नं० 28-जिसमें से प्लाट सं० 28/341 में 2 बोधा जमीन, मूल्य ४,०००/- रुपये
4. जिला 24 परगना की दक्षिण में समीपस्थ नगर पालिका माउजा भांजा, साहपुर में	आई० एन० टी० नं० 96/2, प्लाट नं० 221, ५ काठा, २ घण्ठक की भूमि मूल्य ८,०००/- रुपये
5. जिला मिदनापुर महाल तथा माउजा इंडा	आई० एन० टी० नं० 1166, प्लाट नं० 2332, (नक्शे के अनुसार—प्लाट नं० ३) जिसकी पैमास १३ एकड़ भूमि की है। मूल्य २,०००/- रुपये / [सं० ८-१२/७९ ए० सी०]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 4th June, 1979

S.O.2046—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to the Midnapore Peoples Co-operative Bank Ltd., Midnapore in so far as they relate to its holdings of certain non-banking assets as described below from the date of publication of this notification to 28th February, 1981.

Non-banking assets

Sl. No.	Held at	Description
1.	Within Midnapore Municipality in Mouza Koranitola.	Int. No. 14 plot No. 126 08 1/4 dec. land valuation Rs. 3000
2.	-d-	Int. No. 14 plot No. 128 08 1/4 dec. land including building valuation Rs. 40,000
3.	At Jhargram Mouza Khasjungle.	Int. No. 2 Plot No. 28 Out of which in plot No. 28/341 2 bighas land valuation Rs. 4,000.
4.	District 24 parganas within South Suburban Municipality Mouza Bhanja, Sahapur.	Int No. 96/2 plot No. 221 5 Katha 2 Chattak of land valuation Rs. 8000.
5.	District Midnapore Mahal and Mouza Inda	Int No. 1166 plot No. 2332 (as per sketch-map plot No. 3) measuring 13 dec. land valuation Rs. 2000.

[No. 8-12/79-AC]

नई दिल्ली, 5 जून, 1979

का० शा० 2047.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपर्युक्त हिमाचल प्रदेश राज्य महाला बैंक निमिटेड, शिमला पर इस अधिसूचना के प्रकाशन की तारीख से 28 फरवरी, 1982 तक की अवधि के लिए उम सीमा तक लागू नहीं होगे जहाँ तक उनका सम्बन्ध इस बैंक की मोहल्ला चिन्टाला, महारनपुर, उत्तर प्रदेश में स्थिती दो मंजिले रिहायशी मकान की धारिता से है।

[मंजिला 8-16/79-ए०सी०]

यशवन्तराज, अवर मंजिल

New Delhi, the 5th June, 1979

S.O. 2047.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to the Himachal Pradesh State Co-operative Bank Ltd., Simla in so far as they relate to its holding of a two storeyed residential house situated in Mohalla Chintala, Saharanpur, U.P. for the period from the date of publication of this notification to 28 February, 1982.

[No. 8-16/79-AC]
YASHWANT RAJ, Under Secy.

वाणिज्य, नागरिक पूर्ति और सहकारिता मंत्रालय

(नागरिक पूर्ति और सहकारिता विभाग)

नई दिल्ली, 28 मई, 1979

का० शा० 2048.—केन्द्रीय सरकार का ईंस्ट इण्डिया जटू और लेनन एक्सचेंज निमिटेड, 47, नेता जी मुभाय रोड, कलकत्ता द्वारा प्रदिम संविधा (विनियमन) अधिनियम, 1952 (1952 का

74) की धारा 5 के अधीन मान्यता के नवीकरण के लिए प्राप्त अधिकार पर वायदा बाजार आयोग से परामर्श करके, यह समाजान हो गया है कि देसा करना व्यापार और लोक हित में है, अतः वह उक्त अधिनियम की धारा 6 द्वारा, कलकत्ता नगर में, जूट के माल (किसी भी दिन द्वारा बनाया गया किसी भी किसी का द्वेषन और बोरी का कपड़ा या और या बोनों, सुतली या धारे या बोनों या जूट से बनाए गए किसी भी अन्य प्रकार के उत्पाद) की अधिम संविदा की बाबत प्रदृष्ट शक्तियों का प्रयोग करते हुए उक्त एकमात्रे को 29 मार्च, 1979 से 28 मार्च, 1982 (जिसमें ये बोनों दिन भी सम्मिलित हैं) तक की 3 वर्ष की और अधिक के लिए मान्यता देती है।

स्पष्टीकरण—इस अधिसूचना में, कलकत्ता नगर से अधिभेद है :—

(1) कलकत्ता मूनिसिपल अधिनियम, 1951 (पश्चिमी बंगाल अधिनियम, 1957 का 33) की धारा 5 में यथापरिभाषित कलकत्ता और कलाइ थो का हैरिटेज नार्थ या माउथ भाग और नदी के किनारे तक स्ट्रेन्ड रोड और थोम जो पहले टार्लांग्ज नगर पालिका के, जो अब निक्षिय है, अधीन था,

(2) कलकत्ता पतन, और

(3) 24 परगाना, नादिया, हायड़ा और दुगली से जिनें।

2. इसके द्वारा अनुबंध मान्यता इस शर्ते के अधीन है कि उक्त एकमात्रे ऐसे निवेशों को लागू होगा जो समय समय पर वायदा बाजार आयोग द्वारा दिया जाए।

[का० स० 12(4)—पाई० टी०/७९]

MINISTRY OF COMMERCE, CIVIL SUPPLIES AND CO-OPERATION

(Department of Civil Supplies and Cooperation)

New Delhi, the 28th May, 1979

S.O. 2048.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under Section 5 of the Forward Contracts (Regulation) Act, 1952, (74 of 1952), by the East India Jute & Hessian Exchange Limited, 43, Netaji Subhas Road, Calcutta, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by Section 6 of the said Act, recognition to the said Exchange for a further period of three years from 29th March, 1979 to 28th March, 1982 (both days inclusive) in respect of forward contracts in jute goods (hessian and sacking cloth or bag or both, twines or yarns or both manufactured by any of the mills or any other manufactures of whatever nature made from jute) in the city of Calcutta.

Explanation.—In this notification, the expression “city of Calcutta” means :—

(1) Calcutta as defined in Clause (ii) of Section 5 of the Calcutta Municipal Act, 1951, (West Bengal Act, 33 of 1951), together with part of Hastings North or South edge of Clyde Row and Strand Road to the river bank and the areas which were previously under the now defunct Tollygunge Municipality.

(2) The port of Calcutta ; and

(3) The Districts of 24 Parganas, Nadia, Howrah and Hoogly.

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions as may, from time to time, be given by the Forward Markets Commission.

[F. No. 12(4)-IT/79]

नई विमली, 2 जून, 1979

का० प्रा० 2049.—केन्द्रीय सरकार, अधिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि भारत में किसी स्थान में ग्रासी की खाली के विक्रय या क्रय के लिए ऐसी कोई अधिम संविदा

नहीं करेगा, जो ग्रासी की खाली के क्रय या विक्रय के लिए अनन्तरणीय विनियिष्ट परिदान संविदा नहीं है और उक्त धारा 16 के बाब्द (क) के अधीन उसके लिए वह उस दर को, जो अधिसूचना की तारीख को उस माल के वायदा बाजार के बन्द होने के समय प्रचलित थी या यदि उस विन कोई व्यापार नहीं हुआ था तो उस दर को जो व्यापार के अन्तिम पूर्ववर्ती विन की प्रचलित थी, ऐसी दर के रूप में नियत करती है, जिस दर पर ऐसी कोई अधिम संविदा, जो ऐसी अधिसूचना की तारीख के पश्चात, सम्पन्न की जानी है, बन्द हुई समझी जाएगी।

[का० स० 10(1)-पाई० टी०/७८]

New Delhi, the 2nd June, 1979

S.O. 2049.—In exercise of the powers conferred by section 17, of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the Central Government hereby, declares that no person shall, save with the permission of the Central Government, enter into any forward contract for the sale or purchase of linseed oilcake (not being a non-transferable specific delivery contract for the sale or purchase of linseed oilcake) in any place in India, and fixes, under Clause (a) of section 16, the rate prevailing at the time at which such forward market in the said goods closed on the date of this notification, or, if there was no trading on that date, on the last preceding date of trading, as the rate at which any such forward contract entered into on or before the date of this notification and remaining to be performed after the said date, shall be deemed to be closed.

[F. No. 10(1)-IT/78]

का० प्रा० 2050.—अतः भारत सरकार के वाणिज्य, नागरिक पूर्ति और सहकारिता मंत्रालय की अधिसूचना का० प्रा० 2049 तारीख 2-6-79 द्वारा ग्रासी की खाल के विक्रय प्रथम क्रय के लिए अधिम संविदा ए प्रतियोग की गई है।

केन्द्रीय सरकार की यह राय है कि व्यापार के और लोकहित में यह नीतिशील है कि समस्त भारत में ग्रासी की खाली की अनन्तरणीय विनियिष्ट परिदान संविदाओं को विनियमित और नियंत्रित किया जाए;

अतः अब केन्द्रीय सरकार, अधिम संविदा (विनियमन) अधिनियम 1952 (1952 का 74) की धारा 18 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अधिनियम की धारा 17 की उपधारा (1) और (2) के उपर्युक्त, समस्त भारत में ग्रासी की खाली से संबंधित अनन्तरणीय विनियिष्ट परिदान संविदाओं की सारू होने।

[का० स० 10(1)-पाई० टी०/७८]

S.O. 2050.—Whereas forward contracts for the sale or purchase of linseed oilcake have been prohibited by the Notification of Government of India in the Ministry of Commerce, Civil Supplies and Cooperation S.O. No. 2049, dated 2-6-1979.

And whereas the Central Government is of opinion that in the interest of the trade and in the public interest, it is expedient to regulate and control non-transferable specific delivery contracts in linseed oilcake :

Now, therefore, in exercise of the powers conferred by Sub-section (3) of Section 18 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the Central Government hereby declares that the provisions of sub-section (1) and (2) of Section 17 of the said Act shall apply to non-transferable specific delivery contracts in respect of linseed oilcake in the whole of India.

[F. No. 10(1)-IT/78]

का० प्रा० 2051.—केन्द्रीय सरकार, अधिम [संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 17 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जिस रूप में उसे भारत सरकार के वाणिज्य, नागरिक पूर्ति और सहकारिता मंत्रालय की अधिसूचना सं० का० प्रा० 2050 तारीख 2-6-1979 द्वारा समस्त भारत में ग्रासी की खाली के विक्रय प्रथम क्रय की गया था, घोषणा करती है कि कोई भी व्यक्ति केन्द्रीय सरकार की अनु

के बिना, समस्त भारत में अलसी की खली के विक्रय या क्रय के लिए ऐसी कोई भी अधिग्रहण संविदा नहीं करेगा, जो अनन्तरणीय विनियोग परिवान संविदा है।

[फा० सं० 10(1)-प्राई०टी० 79]

S.O. 2051.—In exercise of the powers conferred by sub-section (1) of section 17 of the Forward Contracts (Regulation) Act, 1952, (74 of 1952), as applied to non-transferable specific delivery contracts in respect of linseed oilcake in the whole of India by the Notification of the Government of India in the Ministry of Commerce, Civil Supplies and Cooperation S.O. No. 2050, dated 2-6-1979, the Central Government hereby declares that no person shall, save with the permission of the Central Government, enter into any forward contract, being non-transferable specific delivery contract, for the sale or purchase of linseed oilcake in the whole of India.

[F. No. 10(1)-IT/79]

का० प्रा० 2052.—केन्द्रीय सरकार, भारत सरकार के वाणिज्य, नागरिक पूति और सहकारिता मंत्रालय की अधिसूचना सं० का० प्रा० सं० 2051 तारीख 2-6-1979 के साथ पठित अधिग्रहण संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 27 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए ऐसे प्रत्येक अनन्तरणीय विनियोग परिवान संविदा को जो,—

- (1) अलसी के बहिकारिता से प्राप्त खली के विक्रय के लिए, अलसी बलनकर्ता या उसके प्राधिकृत अधिकर्ता द्वारा किया गया है, या
- (2) भारत के बाहर नियांत के प्रयोजनों के लिए अलसी निष्कर्षण से प्राप्त खली के क्रय के लिए, भारत से बाहर अलसी के निष्कर्षण से प्राप्त खली का नियांत करने वाले व्यक्ति या उसके प्राधिकृत अधिकर्ता द्वारा किया गया है ; या
- (3) (i) अलसी के बहिकारिता से प्राप्त खली के क्रय के लिए या
(ii) अलसी के निष्कर्षण से प्राप्त खली के विक्रय के लिए, किसी विलायक निष्कर्षण एकक या उम्मके प्राधिकृत अधिकर्ता द्वारा किया गया है

उक्त अधिनियम की उक्त धारा की उपधारा (1) और (2) के उपबन्धों के प्रवर्तन से छूट देती है।

[फा० सं० 10(1)-प्राई०टी० 78]

S.O. 2052.—In exercise of the powers conferred by section 27 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), read with the notification of the Government of India in the Ministry of Commerce, Civil Supplies and Cooperation S.O. No. 2051 dated 2-6-1979, the Central Government hereby exempts every non-transferable specific delivery contract entered into by—

- (1) a linseed crusher or his authorised agent, for the sale of linseed expeller cake ; or
- (2) a person exporting linseed extraction cake out of India or his authorised agent, for the purchase of linseed extraction cake for purposes of export outside India ; or
- (3) a solvent extraction unit or its authorised agent, for—
(i) the purchase of linseed expeller cake, or
(ii) the sale of linseed extraction cake, from the operation of the provisions of sub-sections (1) and (2) of the said section of the said Act.

[F. No. 10(1)-IT/78]

का० प्रा० 2053.—केन्द्रीय सरकार, अधिग्रहण संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 16 के साथ पठित

धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि कोई भी अधिकारित सरकार की अनुज्ञा के बिना, भारत में किसी स्थान में अजवाहन के विक्रय या क्रय के लिए कोई अधिग्रहण संविदा नहीं करेगा और उक्त धारा 16 के खण्ड (क) के अधीन उसके लिए वह उस दर को, जो अधिसूचना की तारीख को उस मात्र के बायावा बाजार के बन्द होने के समय प्रचलित भी या यदि उस दिन कोई व्यापार नहीं हुआ था तो उस दर को, जो व्यापार के अन्तिम पूर्ववर्ती दिन को प्रचलित थी, ऐसी दर के रूप में नियत करती है, जिस दर पर ऐसी कोई अन्तिम संविदा, जो ऐसी अधिसूचना की तारीख को या उसके पूर्व की गई है और उक्त तारीख के पश्चात् सम्पन्न की जानी है, बन्द की जाएगी।

[फा० सं० 10(8)-प्राई०टी० 78]

S.O. 2053.—In exercise of the powers conferred by Section 17, read with Section 16 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the Central Government hereby declares that no person shall, save with the permission of the Central Government enter into any forward contract for the sale or purchase of celeryseed in any place in India and fixes, under Clause (a) of the said Section 16, the rate prevailing at the time at which the forward markets in the said goods, closed on the date of the notification, or, if there was no trading on that day, on the last preceding date of trading, as the rate at which any such forward contract entered into on or before the date of this notification and remaining to be performed after the said date shall be deemed to be closed.

[File No. 10(8)-IT/78]

का० प्रा० 2054.—अजवाहन के विक्रय या क्रय के लिए अधिग्रहण संविदा भारत सरकार के वाणिज्य, नागरिक पूति और सहकारिता मंत्रालय की अधिसूचना सं० का० प्रा० सं० 2053 तारीख 2 जून, 1979 द्वारा प्रतिविद्ध कर दी गई है।

और केन्द्रीय सरकार की यह राय है कि व्यापार के और लोकहित में यह समीचीन है कि अजवाहन में अनन्तरणीय विनियोग परिवान संविदाओं को विनियमित और नियंत्रित किया जाए।

प्रतः प्रब केन्द्रीय सरकार, अधिग्रहण संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 18 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अधिनियम की धारा 17 की उपधारा (1) और (2) के उपबन्ध समस्त भारत में अजवाहन से संबंधित अनन्तरणीय विनियोग परिवान संविदाओं को लागू होगे।

[फा० सं० 10(8)-प्राई०टी० 78]

S.O. 2054.—Whereas forward contracts for the sale or purchase of celeryseed have been prohibited by the notification of Government of India in the Ministry of Commerce, Civil Supplies & Cooperation S.O. No 2053 dated the 2nd June, 1979.

And whereas the Central Government is of opinion that in the interest of the trade and in the public interest, it is expedient to regulate and control non-transferable specific delivery contracts in celeryseed.

Now, therefore, in exercise of the powers conferred by Sub-Section (3) of Section 18 of the Forward Contracts (Regulation) Act, 1952, (74 of 1952), the Central Government hereby declares that the provisions of sub-section (1) and (2) of Section 17 of the said Act shall apply to non-transferable specific delivery contracts in respect of celeryseed in the whole of India.

[File No. 10(8)-IT/78]

का० आ० 2053—केन्द्रीय सरकार, प्रग्राम संविदा (विभिन्नमन) अधिनियम, 1952 (1952 का 74) की धारा 17 की उपशारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जिस रूप में उसे भारत सरकार के बाणिज्य भागीरक पूर्ति और सहकारिता मंत्रालय की अधिसूचना में का०आ० 2054 तारीख 2 जून, 1979 द्वारा प्रजवाहन से सम्बन्धित अनन्तरणीय विनिर्विष्ट परिवान संविदाओं को लागू किया गया है, निदेश देती है कि कोई भी शक्ति, केन्द्रीय सरकार की पूर्व अनुशा के बिना समस्त भारत में प्रजवाहन के विक्रय या क्रय के लिए कोई अनन्तरणीय विनिर्विष्ट परिवान संविदा नहीं करेगा ।

[का० सं० 10(8)-आई०टी०/78]

S.O. 2055.—In exercise of the powers conferred by sub-section (1) of section 17 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) as applied to non-transferable specific delivery contracts in respect of celeryseed by the Notification of the Government of India in the Ministry of Commerce, Civil Supplies and Cooperation S.O. No. 2054 dated the 2nd June, 1979, the Central Government hereby declares that no reason shall, save with the permission of the Central Government, enter into any non-transferable specific delivery contract for the sale or purchase of celeryseed in the whole of India.

[File No. 10(8)-IT/78]

का० आ० 2056.—केन्द्रीय सरकार, भारत सरकार के बाणिज्य, भागीरक पूर्ति और सहकारिता मंत्रालय की अधिसूचना सं० का०आ० 2055 तारीख 2 जून, 1979 के साथ पठित प्रग्राम संविदा (विभिन्नमन) अधिनियम, 1952 (1952 का 74) की धारा 27 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत से बाहर अजवाहन का निर्यात करने वाले किसी व्यक्ति द्वारा या उसके प्राधिकृत अधिकारी द्वारा भारत से बाहर निर्यात के प्रयोजनों के लिए अजवाहन का क्रय करने के लिए की गई प्रत्येक अनन्तरणीय विनिर्विष्ट परिवान संविदा को उक्स अधिनियम की धारा 17 के प्रवर्तन से बाहर देती है ।

[का० सं० 10(8)-आई०टी०/78]

के० एम० मैथ्यू उप सचिव

S.O. 2056. In exercise of the powers conferred by Section 27 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) read with the Notification of the Government of India in the Ministry of Commerce, Civil Supplies and Cooperation S.O. No. 2054, dated the 2nd June, 1979, the Central Government hereby exempts, every non-transferable specific delivery contract entered into by a person exporting celeryseed out of India or by his authorised agent for the purchase of celeryseed for purposes of export outside India from the operation of Section 17 of the said Act.

[File No. 10(8)-IT/78]

K. S. MATHEW, Dy. Secy.

(बाणिज्य विभाग)

आदेश

नहीं दिल्ली, 9 जून, 1979

का० आ० 2057.—केन्द्रीय सरकार की यह राय है कि भारत के नियांत्रित व्यापार के विकास के लिए ऐसा करना आवश्यक तथा समीचीन है और मिथिन (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सेपटी रेजर ब्लैड निर्यात से पूर्व भवालिटी नियंत्रण और निरीक्षण के अधीन होंगे ।

और केन्द्रीय सरकार ने उक्त प्रयोजन के लिए नीचे विनिर्विष्ट प्रस्ताव बनाए हैं और उन्हें नियांत्रित (क्वालिटी नियंत्रण और निरीक्षण) नियम 1964 के नियम 11 के उप-नियम (2) की अपेक्षानुसार निर्यात निरीक्षण परिषद् को भेज दिया है ।

प्रत: यह उक्त उप-नियम के अनुसरण में तथा भारत सरकार के बाणिज्य मंत्रालय की अधिसूचना सं० का० आ० 2304 तारीख 16 जुलाई, 1977 का अधिकृतम करते हुए केन्द्रीय सरकार उक्त संभाव्यत: प्रभावित होने वाले लोगों की जानकारी के लिए उक्त प्रस्तावों को प्रकाशित करती है ।

2. सूचना की जाती है कि यदि कोई व्यक्ति उक्त प्रस्तावों के बारे में कोई आपत्ति या सुझाव भेजना चाहता है तो वह उन्हें इस आदेश के सरकारी राजपत्र में प्रकाशन की तारीख से 45 दिन के भीतर नियांत्रित परिषद् 14/1-बी०, एजरा स्ट्रीट, कलकत्ता-1 को भेज सकता है ।

प्रस्ताव

(1) यह अधिसूचित करता कि सेपटी रेजर ब्लैड नियांत्रित से पूर्व निरीक्षण के अधीन होंगे;

(2) इस आदेश के उपांचाह 1 में दिए गए सेपटी रेजर ब्लैड के नियांत्रित (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1978 के प्रावधान के अनुमार (क्वालिटी नियंत्रण और निरीक्षण) के ऐसे टाइप के रूप में विनिर्विष्ट करता ओं ऐसे विद्युत उपकरणों तथा उप साधनों को, नियांत्रित से पूर्व, लागू होगा ।

(3) (क) सुरक्षित भारतीय मानक विनिर्विष्ट या कोई अन्य राष्ट्रीय मानक विनिर्विष्ट को;

(ख) उन विनिर्विष्टों को जो खंड (क) के अंतर्गत नहीं आते हैं किन्तु नियांतकर्ता द्वारा घोषित ऐसे मानकों की परीक्षा एवं प्रनुभीदन के प्रयोजन के लिए नियांत्रित नियांत्रित परिषद् द्वारा नियुक्त विशेषज्ञों के पैनल द्वारा प्रनुभीदन हैं सेपटी रेजर ब्लैडों के लिए सांविदिक विनिर्विष्टों को मानक विनिर्विष्टों के रूप में,

मान्यता देना ।

(4) अंतर्राष्ट्रीय व्यापार के द्वीपन ऐसे सेपटी रेजर ब्लैडों के नियांत्रित को तब तक प्रतिषिद्ध करता जब तक कि उसके साथ नियांत्रित (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अन्तर्गत केन्द्रीय सरकार द्वारा स्थापित या मान्यताप्राप्त अधिकरणों में से किसी के द्वारा जारी किया गया इस आदेश का प्रमाण-पत्र न हो कि सेपटी रेजर ब्लैडों का प्रेषण क्वालिटी नियंत्रण और निरीक्षण में संवेदित शर्तों की पूरा करता है, तथा वह नियांत्रित योग्य है या उन पर उक्त अधिनियम की धारा 3 के अधीन केन्द्रीय सरकार द्वारा मान्य मुद्रा या चिन्ह लगा हुआ है ;

2. इस आदेश की कोई भी जाति भावी क्रेतारों को भू मार्ग, घायु-मार्ग या जल मार्ग द्वारा सेपटी रेजर ब्लैडों के उन नमूनों के नियांत्रित को लागू नहीं होनी जिनका पीत-पैतैल निःशुल्क भूम्य एक सौ पर्चीम (125) रुपये से अधिक नहीं है ।

3. इस आदेश में “सेपटी रेजर ब्लैड” से वाढ़ी बनाने के लिए प्रयोग किए जाने वाले केवल द्वितीय ब्लैड प्रमित्र हैं ।

उपांचाह I

[नियांत्रित (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 के अधीन जाने वाले प्रस्तावित नियमों का प्रारूप]

1. संक्षिप्त नाम तथा प्रारम्भ:—(1) इन नियमों का नाम सेपटी रेजर ब्लैडों का नियांत्रित (क्वालिटी नियंत्रण और निरीक्षण) नियम 1978 है ।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. परिभाषाएँ—इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो :—

(क) “अधिनियम” में निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) अधिप्रेत है,

(ख) “अभिकरण” से अधिनियम की धारा 7 के अधीन केंद्रीय सरकार द्वारा बम्बई, कोचीन, दिल्ली तथा मद्रास में स्थापित अभिकरणों में से कोई अभिकरण या मान्यताप्राप्त कोई अन्य संगठन अधिप्रेत है;

(ग) “सेफटी रेजर ब्लेडों” से वाटी बनाने के लिए प्रयोग किए जाने वाले केवल दुपारे ब्लेड अधिप्रेत है।

3. निरीक्षण का आधार तथा प्रक्रिया :—(1) निरीक्षण यह सुनिश्चित करने की दृष्टि से किया जाएगा कि निर्यात के लिए आशयित मेफटी रेजर ब्लेडग परिशिष्ट 2 या परिशिष्ट 3 में विनिशिष्ट नियंत्रण संस्कार का प्रयोग करके उत्पादित किए गए हैं उनकी क्वालिटी अधिनियम की धारा 6 के अधीन केंद्रीय सरकार द्वारा मान्य विनियोगों के अनुरूप है।

(2) सेफटी रेजर ब्लेडों के निरीक्षण के लिए निम्नलिखित योजनाओं में से कोई योजना अपनाई जाएगी, अर्थात् :—

(क) स्वयं प्रमाणीकरण :— कोई भी विनिर्माण एकक जो परिशिष्ट II में सूचित भास्तव्यों की पूरा करता है निर्यात निरीक्षण परिषद अमन बम्बई (पांचवीं मंजिल) 113 महापाल कर्बे रोड, बम्बई 400004 के क्षेत्रीय कार्यालय को आवेदन देगा।

(1) परिषद द्वारा नियुक्त पैनलों में से कोई पैनल ऐसे एकक में जाएगा तथा यह निर्धारित करेगा कि क्या वही प्राधार-शाली क्वालिटी नियंत्रण पद्धति संतोषजनक रूप में थल रही है या नहीं।

(2) उन एककों को जो पनल द्वारा अनुमोदित हैं उन्हें उन के नियात परेण्यों की नियात योग्यता का प्रमाणपत्र जारी करने योग्य बनाने के लिए अधिनियम की धारा 7 के अधीन मान्यता दी जाएगी।

(3) ऐसी मान्यता एक थर्म की अवधि की के लिए विधि-मान्य होंगी तथा उम्मेद पश्चात् प्रभावी क्वालिटी सुनिश्चित पद्धति के जारी रहने के आधार पर पुनः नवीकृत की जाएगी;

परन्तु यदि केंद्रीय सरकार की गवाह है कि किसी भी विनिर्माण एकक को दी गई कोई भी मान्यता अनुमित में वापिस में नी आनी चाहिए, तो केंद्रीय सरकार उम्मेद को एक उपयुक्त अवसर देने के पश्चात् अधिनियम की धारा 7 के अधीन ऐसी मान्यता वापिस ले सकती है।

(ब) प्रक्रियागत क्वालिटी नियंत्रण :— (1) कोई भी विनिर्माण एकक जिसके पाग उपांत्त III अनुमोदित प्रक्रियागत क्वालिटी नियंत्रण की पर्याप्त अवस्था है, नीचे दिए गए परिषद के निकट-नम कार्यालय को आवेदन करेगा :—

निर्यात निरीक्षण परिषद, 14/1-बी, एजरा स्ट्रीट, कलकत्ता 700001

केंद्रीय कार्यालय :—

1. निर्यात निरीक्षण परिषद, अमन चैम्बर्स पांचवीं मंजिल, 113, महार्षि कर्बे रोड, बम्बई-400004.

2. निर्यात निरीक्षण परिषद, मनोहर बिंडिंग, एन्सोफ्लॉनम, कोचीन-682011.

3. निर्यात निरीक्षण परिषद, स्पूनिगिपल मार्केट बिल्डिंग, 3, सरस्वती मार्ग, करील बाग, नई विल्ली-110005

(2) निर्यात निरीक्षण परिषद नब विनिर्माण एकक को जाने का प्रबन्ध करेगा तथा यह निर्धारित करेगा कि प्रक्रियागत क्वालिटी नियंत्रण पद्धति संतोषजनक रूप से कार्य कर रही है या नहीं।

(ग) परेण्य के अनुमार निरीक्षण :—कोई भी विनिर्माण एकक जो स्तम्भ (क) तथा (ख) में विनिदिष्ट अपेक्षाओं को पूरा नहीं करता है निरीक्षण के लिए निर्यात परेण्यों किसी भी अभिकरण को यह सुनिश्चित करने के उद्देश्य से देगा कि उसके द्वारा विनिर्माण उत्पाद अधिनियम की धारा 6 के अधीन केंद्रीय सरकार द्वारा मान्य विनियोगों के अनुरूप है या नहीं।

(3) निम्नलिखित प्रक्रिया सेफटी रेजर ब्लेडों के निरीक्षण तथा प्रमाणन के लिए अपनाई जाएगी, अर्थात् :—

(क) उप नियम (2) के स्तम्भ (क) के अधीन स्वयं प्रमाणीकरण योजना के अन्तर्गत मान्य कोई विनिर्माण एकक, उसके द्वारा विनिर्माण निर्यात परेण्यों की निर्यात परेण्यों का प्रमाणन पत्र जारी करेगा।

(ख) (1) सेफटी रेजर ब्लेडों के नियात करने का इच्छुक कोई नियंत्रकर्ता (स्वयं प्रमाणीकरण योजना के अधीन मान्य विनिर्माण एककों से भिन्न) अपने ऐसा करने के आशय की सूचना लिखित रूप में देगा तथा ऐसी सूचना के आशय ऐसे नियात से संबंधित नियात सविदा में दी गई सभी तकनीकी विशेषताओं का विवरण देने हुए विनियोगों का धोषणा पत्र किसी भी अभिकरण को देगा जिससे कि वह उपनियम (1) के स्तम्भ (ख) तथा (ग) के अनुमार निरीक्षण कर सके।

(2) वह उम्मी गमय ऐसी सूचना की एक प्रति निरीक्षण के लिए अभिकरण के निकटनम परिषद कार्यालय को देगा।

(ग) उप नियम (2) के खंड (ख) के अधीन अनुमोदित एककों द्वारा विनिर्माण उत्पादों के नियात के लिए नियंत्रकर्ता ऐसी सूचनाओं के साथ एक धोषणा यह भी करेगा कि नियात के लिए आशयित सेफटीरेजर ब्लेडों का विनिर्माण उपांत्त III में अधिकारित क्वालिटी नियंत्रणों का प्रयोग करके किया गया है तथा इस परेण्य, इस प्रयोगन के लिए मान्य विनियोगों की अपेक्षाओं को पूरा करता है।

(घ) खंड (ख) या खंड (ग) के अधीन प्रत्येक सूचना तथा धोषणा विनिर्माण के परिसर में परेण्य के भेजे जाने से कम से कम वो सम्पाद पहले अभिकरण तथा परिषद के कार्यालय में अवश्य पहुंच जानी चाहिए।

(इ) नियंत्रकर्ता अभिकरण को परेण्य पर लगाए जाने वाले पहचान विन्दु भी देगा।

(ज) खंड (ख) या खंड (ग) के अधीन सूचना तथा धोषणा प्राप्त होने पर, अभिकरण :

(1) उपनियम (2) के खंड (ख) के अधीन अनुमोदित एककों द्वारा विनिर्माण उत्पादों का नियात करने वाले नियंत्रकर्ता की दण में, अपना यह समाधान कर लेने पर कि विनिर्माण की प्रक्रिया के द्वारा, एकक ने उपांत्त III के अन्तर्गत दिए गए पर्याप्त क्वालिटी नियंत्रणों का प्रयोग किया है तथा इस संबंध में परिषद द्वारा जारी किये गए नियोगों वाले कोई हों, का अनुसरण किया है तो तीन दिन के भीतर यह धोषणा करते हुए प्रमाण-पत्र जारी करेगा कि सेफटीरेजर ब्लेडों का परेण्य

- निर्यात योग्य है। किन्तु अभिकरण कानिक विनिर्माण द्वारा यह सुनिश्चित करेगा कि विनिर्माण परिसरों पर पर्याप्त नियंत्रण का प्रयोग किया जाता है, तथा
- (2) उपनियम (2) के बांद (ग) के अधीन आने वाले एकों द्वारा विनियित वस्तुओं का नियन्त करने वाले नियन्तकर्ता की दशा में, सेफ्टीरेजर छेड़ों का नियंत्रण यह मुनिश्चित करने के बिचार से करेगा कि उत्पादन इस प्रयोजन के लिए मान्य विनिर्देशों के अनुरूप है।
- (3) (1) नियंत्रण की समाप्ति के पश्चात् अभिकरण सुरक्षा परेषण के पैकेजों को इस ढंग से पैक करेगा कि यह मुनिश्चित हो जाए कि सीलवंद पैकेजों में हमेशा न किया जा सके।
- (2) परेषण अस्वीकृत हो जाने की वजा में, यदि नियन्तकर्ता जाए तो, अभिकरण परेषण को सुदारवंद नहीं करेगा।
- (3) किन्तु ऐसे मामलों में, नियन्तकर्ता अस्वीकृति के विषय प्रीपील करने का हकदार नहीं होगा।
- (ज) यदि अभिकरण का यह समाधान हो जाता है, कि सेफ्टीरेजर छेड़ों का परेषण इन वियमों के अधीन उपेक्षाओं के अनुरूप है तो वह नियंत्रण की समाप्ति से मास दिन के भीतर नियन्तकर्ता को यह प्रोषण करने हुए प्रमाणपत्र आरी करेगा कि परेषण नियन्त योग्य है;
- परन्तु जहां अभिकरण का इस प्रकार समाधान नहीं हो पाता, वहां वह उक्त मास दिन की अवधि के भीतर इसके लिए कारणों की सूचना देते हुए अस्वीकृत पत्र जारी करेगा।
- (झ) अभिकरण जब भी श्रीर जहां अपेक्षा करे, नियन्तकर्ता नियंत्रण तथा परीक्षण के लिए परेषण में से सेफ्टीरेजर छेड़ों के निःशुल्क नमूने देगा। किन्तु ऐसे नमूने कार्य हो जाने के पश्चात् अभिकरण द्वारा लौटा दिए जाएंगे।
4. मान्य चिह्न विपक्काना तथा उमकी प्रक्रिया:—भारतीय मानक संस्थान (प्रमाणीकरण चिन्ह) अधिनियम, 1952 (1952 का 36) भारतीय मानक संस्थान (प्रमाणीकरण चिन्ह) नियम, 1955 तथा भारतीय मानक संस्थान (प्रमाणीकरण चिन्ह) विनियम, 1955 के उपबंध सेफ्टीरेजर पर नियन्त से पूर्व भूमा लगाने या चिह्न विपक्काने की प्रक्रिया के संबंध में यथार्थवाला साधु होने तथा इस प्रकार चिन्हित सेफ्टीरेजर छेड़ों नियम 3 के अन्तर्गत किसी भी नियंत्रण के अधीन नहीं होती।
5. नियंत्रण स्थान:—इन वियमों के अधीन नियंत्रण विनिर्माण के या अन्य परिसरों पर किया जाएगा जहां परीक्षण तथा नियंत्रण के लिए पर्याप्त सुविधाएँ उपलब्ध हैं।
6. नियंत्रण शुल्क:—नियन्तकर्ता अभिकरण को नियंत्रण की समाप्ति विनियमित रूप में देगा।
- (क) स्वयं प्रमाणीकरण योजना के अधीन एकों के लिए:—
- 5 लाख रुपए प्रतिवर्ष से कम के नियन्त के लिए 1,000 रुपए प्रतिवर्ष। 5 से 25 लाख रुपए प्रतिवर्ष तक के नियन्त के लिए 2,500 रुपए प्रतिवर्ष।
- 25 से 50 लाख रुपए प्रतिवर्ष तक नियन्त के लिए 5,000 रुपए प्रतिवर्ष।
- 50 से 100 लाख रुपए प्रतिवर्ष तक के नियन्त के लिए 10,000 रुपए प्रतिवर्ष।
- 100 लाख रुपए प्रतिवर्ष से अधिक के नियन्त के लिए 20,000 रुपए प्रतिवर्ष।

(ख) प्रक्रियागत व्यालिटी नियंत्रण योजना के अधीन एकों के लिए:—

प्रत्येक परेषण के लिए पोष पर्यन्त निःशुल्क मूल्य के प्रत्येक सौ रुपए के लिए बीम वैमे की दर से, किन्तु एक सौ रुपए से कम नहीं।

(ग) परेषण के भनुमार नियंत्रण योजना अधीन एकों के लिए: प्रत्येक परेषण के लिए, पोष पर्यन्त निःशुल्क मूल्य के प्रत्येक एक सौ रुपए से कम नहीं।

7. अपील:—(1) नियम 3 के अधीन अभिकरण द्वारा प्रमाणपत्र देने के इकार में व्याख्यित कोई व्यक्ति उसके द्वारा ऐसे देकार की सूचना प्राप्त होने से वस दिन के भीतर, नियन्त्रिय संवार द्वारा बनाए गए कम से कम तीन व्यक्तियों के विशेषज्ञों के पैनल को, अपील कर सकेगा।

(2) पैनल के विशेषज्ञों की कुल संवस्था के दी तिहाई आशासनीय सदस्य होता है।

(3) पैनल की गणपूर्ति तीन की होती।

(4) अपील प्राप्त होने के पन्द्रह दिन के भीतर निपटा दी जाती।

मनुष्य II

(नियम 3 देखिए)

स्वयं प्रमाणीकरण के मान दंड

(1) एकों के पास सभी संक्रियाओं के लिए प्रभावी तथा व्यापक व्यालिटी नियंत्रण व्यवस्था होनी चाहिए।

(2) उच्च स्तर पर व्यालिटी नियंत्रण व्यवस्था का प्रश्नान ज्येष्ठ स्तर का कोई सक्षम तकनीकी व्यक्ति होना चाहिए तथा उसे इस अधिकारी को रिपोर्ट न देनी हो जो उत्पादन का प्रभावी है।

(3) एकों के पास न केवल उसके उत्पाद के लिए अपितु कम की गई मस्तूत कच्ची गामग्री तथा संघटकों के शिए, विस्तृत कम्पसी मामक होने चाहिए। ऐसे कम्पनी मानक संबंधित भारतीय मानक विनिर्देशों की व्यालिटी गे निम्नलिखित के नहीं होने चाहिए।

(4) एकों के पास नैमिक तथा स्वीकृति परीक्षणों साथ ही यथासम्भव टाइप परीक्षणों के लिए भी, प्रभावी मूल्यांकन होनी चाहिए। उसके अन्तरिक्ष एकों के पास उसके द्वारा प्रस्तुत भैंजों पर, प्रभावशाली मौसम संबंधी नियंत्रण रखने के लिए आवश्यक उपस्कर होने चाहिए।

(5) एकों के पास मानक विनिर्देशों के अनुमार उसके उत्पादन की की अनुकूलता को सुनिश्चित करने के लिए, परीक्षण तथा नियंत्रण के लिए संस्थान अधिकारिय कोई योजना होनी चाहिए जिसमें उन गुणधर्मों का जिन का उल्लेख होना चाहिए। परीक्षण की योजना का प्रस्तुत ही पर्याप्त नहीं है, अपितु एकों को प्रभावी दक्षता के बारे में स्वतंत्र पैनल का समाधान करना होगा।

(6) नियन्त किया जाने वाला माल स्वयं प्रमाणीकरण के अधीन प्रमाणित किया जाने वाला माल, सम्बद्ध भारतीय मानक या अन्य कोई मान्यताप्राप्त राष्ट्रीय मानकों के प्रतुरूप होना चाहिए।

(7) एकों के पास भारत की ओर विवेशी मंडियों में कम से कम तीन वर्ष की अवधि का, निरन्तर उपभोक्ता संयुक्ति मिमिनेश्च होना चाहिए। डिजाइन विनिर्माण तथा बैंकिंग की शिकायतें कम से कम होनी चाहिए और ऐसी शिकायत की वजा में एकों को मुद्रार के लिए प्रभावी तथा सकारात्मक उपाय करने चाहिए और उपभोक्ताओं की संयुक्ति सुनिश्चित करनी चाहिए।

(८) सदृश्यक एककों द्वारा प्रत्येक नियंत्रण का देश में जो भारत में थीं ई० ई० विनिर्माताओं को भी माल भेजते हैं, उसके पास इस वातावर कोई अधिकारी होना चाहिए कि उसने कम से कम सीन वर्ष की अवधि तक उन्हें अधिकारी माल का प्रदाय किया है।

(९) उपर दिए गए मापों के अनुरूप यूनिटों को उल्लिखित उत्पाद प्रक्रिया नियंत्रण की अपेक्षा होगी।

उपचय III

(नियंत्रण 3 देवित)

प्रक्रियापात्र व्यापालिटी नियंत्रण ।—

नियंत्रण के लिए आवश्यक मेट्रोरेजर ब्लडों की व्यालिटी विनिर्माता द्वारा विनिर्माण दे विभिन्न स्तरों पर नियंत्रित गियरेंजों का प्रयोग करके सुनिश्चित की जाएगी।

१. क्रय की गई भागीदारी तथा घटक नियंत्रण ।—(क) विनिर्माता प्रयुक्त किये जाने वाले उपकरणों वा यामगों को विणेटाइट तथा महत्वान्वी भृत्य विस्तृत विभागों को समानिष्ट करते होंगे क्यों विनिर्देश अधिकारियत करेगा।

(ख) स्वीकृत परेयणों के माध्यम या तो क्या विनिर्देशों की अपेक्षा की पुष्टि करने होंगे उत्पादक का परीक्षण प्रमाणणत होगा अथवा ऐसे परीक्षण प्रमाणण के प्राप्ताव में, किस विनिर्देशों से इसका अनुसरपत्र की जांच करने के लिए प्रत्येक परेयण में से नमूनों की नियमित जांच की जाएगी। उत्पादकर्ता परीक्षण प्रमाणणव की यद्यपि तथा परायन करने के लिए, पांच परेयणों से से कम से कम एक को जाएगा।

(ग) ग्राने वाले परेयणों का नियोक्ता तथा परायन भार्जियर्का नमूना योजना के अनुसार क्रप विनिर्देशों से अनुसारा सुनिश्चित करने के लिए किया जाएगा।

(घ) नियोक्ता तथा परीक्षण किया जाने के पश्चात स्वीकृत तथा अस्वीकृत माल या घटकों के पृथक्करण के लिए तथा अस्वीकृत माल या घटकों के निपटाने के लिए व्यवस्थित पद्धतिया अपनाई जाएगी।

(ङ) उपरोक्त नियंत्रण के संबंध में पर्याप्त अभिलेख व्यवस्थित रूप से रखा जाएगा।

२. प्रक्रिया नियंत्रण :—(क) विनिर्माता विनिर्माण की विभिन्न प्रक्रियाओं के लिए व्यौरेकार प्रक्रिया विनिर्देश अधिकारियत करेगा।

(ख) प्रक्रिया विनिर्देश में अधिकारियत प्रक्रियाओं को नियंत्रित करने के लिए उपस्कर या उपकरणों की पर्याप्त सुविधाएं होंगी।

(ग) विनिर्माण की प्रक्रिया के दौरान प्रयुक्त नियंत्रण के स्थापन की मंभावनाओं को सुनिश्चित करने दे लिए पर्याप्त अभिलेख रखा जाएगा।

३. उत्पाद नियंत्रण (क) मानक विनिर्देशोंके अनुसार उत्पादन का परीक्षण करने के लिए विनिर्माता के पास या तो अपनी परीक्षण सुविधाएं होंगे या उसकी पहुंच वहां तक होंगी जहां ऐसी सुविधाएं विद्यमान हैं। इसके लिए पर्याप्त अभिलेख रखा जाएगा।

(ख) परीक्षण के लिए नमूना (जहां कही भी अपेक्षित हो) अभिलिखित अन्वेषण पर आधारित होगा।

(ग) अभिलेख नियोक्ता जान नहीं के अनुसार प्रत्येक समुच्चय की जांच की जाएगी।

४. मौसम संबंधी नियंत्रण :—उत्पादन तथा नियोक्ता में प्रयुक्त गजों तथा उपकरणों की कानिक जांच या अणणोधन किया जाएगा तथा अभिलेख वृत्त कार्ड के रूप में रखे जाएंगे।

५. परिवर्कण नियंत्रण :—(क) विनिर्माता उत्पाद को मौसमी परिस्थितियों के प्रतिकृत प्रभाव से सुरक्षित रखने के लिए व्यौरेकार विनिर्देश अधिकारियत किए जाएंगे।

(ख) अंडारकरण एवं अभिवहन दोनों के दौरान उत्पाद को सुरक्षित रखा जाएगा।

६. पैकिंग नियंत्रण :—उपर्युक्त उत्पाद की पैकिंग के लिए विनिर्देश अधिकारियत किया जाएगा।

[सं० ६ (३७)/७६नि० नि० तथा नि०उ०] सौ० बी० कुकरेती, संयुक्त नियंत्रण

(Department of Commerce)

ORDER

New Delhi, the 9th June, 1979

S.O. 2057.—Whereas the Central Government is in opinion that it is necessary and expedient so to do for the development of the export trade of India and that in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act 1963 (22 of 1963) safetyrazor Blades shall be subject to quality control, and inspection prior to export:

And whereas, the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule and in supersession of the notification of the Government of India in the Ministry of Commerce No. S.O. 2304 dated the 16th July, 1977 the Central Government hereby publishes the said proposals for the information of public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within forty five days of the date of publication of this order in the Gazette of India, to the Export Inspection Council, 14/1-B, Ezra Street, Calcutta-1.

PROPOSALS

(1) To notify that safety razor blades shall be subject to quality control and inspection prior to export.

(2) To specify the type of quality control and inspection in accordance with the draft Export of safety razor blades (Quality Control and inspection) Rules, 1979 set out in Annexure I to this order as the type of quality control and inspection, which shall be applied to such safety razor blades prior to export;

(3) To recognise :

(a) the relevant Indian standard specification or any other national standard specification;

(b) the specifications which do not fall under clause (a) above but are approved by a panel of experts appointed by the Export Inspection Council for the purpose of examining and approving such standards declared by the exporter as contractual specifications as the standard specifications of safety razor blades;

(4) To prohibit the export in the course of international trade of such safety razor blades unless the same are accompanied by a certificate issued by any one of the agencies recognised or established by the Central Government under Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the safety razor blades satisfy the conditions relating to quality control and inspection and are exportworthy or carry a mark or seal recognised by the Central Government under Section 8 of the said Act;

2. Nothing in this order shall apply to the export by land, sea or air of bona fide samples of safety razor blades to prospective buyers, the f.o.b. value of which does not exceed rupees one hundred and twenty five.
3. In this order, "safety razor blades" shall mean only double edged blades used for shaving.

ANNEXURE I

Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963)

1. Short title and commencement.—(1) These rules may be called the Export of Safety Razor Blades (Quality Control and Inspection) Rules, 1979.

(2) They shall come into force on 6 months date of publication of the Gazette.

2. Definitions.—In these rules, unless the context otherwise requires :—

- (a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) ;
- (b) "agency" means any of the agencies established at Bombay, Calcutta, Cochin, Delhi and Madras or any other organization recognised by the Central Government under section 7 of the Act ;
- (c) "safety razor blade" means only doubled edged blades used for shaving.

3. Basis and procedure for inspection.—(1) The inspection shall be carried out with a view to ensuring that safety razor blades intended for export, have been produced by exercising the levels of control specified in Annexure II or Annexure III or the quality of the same conforms to the specifications recognised by the Central Government under section 6 of the Act.

(2) Any one of the following schemes of inspection shall be adopted for safety razor blades ; namely :—

- (a) Self-Certification.—(i) Any manufacturing unit fulfilling the norms listed in Annexure II shall apply to the Regional Office of Export Inspection Council, Aman Chambers (4th Floor), 113, M. Karve Road, Bombay-400004.
- (ii) Any one of the panels appointed by the Council shall visit such unit and assess as to whether effective quality assurance system is operating satisfactorily.
- (iii) The unity that are approved by the panel shall be recognised under Section 7 of the Act, enabling them to issue certificates of export worthiness for their export consignments.
- (iv) Such recognition shall be valid for a period of one year, and shall be renewed thereafter based on the continuance of the effective quality assurance system :

Provided that if the Central Government is of opinion that any recognition granted to any manufacturing unit should, in the public interest, be withdrawn the Central Government may, after giving a reasonable opportunity to that unit withdraw the recognition under Section 7 of the Act.

- (b) In process quality control.—(i) Any manufacturing unit having adequate in-process quality control as per Annexure III shall apply to the nearest office of the Council, given below :—

Export Inspector Council,
14/1-B, Ezra Street,
Calcutta-700001.

Regional Offices :—

1. Export Inspection Council,
Aman Chambers, 4th floor,
113, Maharshi Karve Road,
Bombay-400004

2. Export Inspection Council,
Manohar Building,
Mahatma Gandhi Road,
Ernakulam,
Cochin-682011.

3. Export Inspection Council,
Municipal Market Building,
3, Sarawati Marg, Karol Bagh,
New Delhi-110005.

(ii) Export Inspection Council shall then arrange a visit to the manufacturing unit and assess as to whether an effective in-process quality control system is operating satisfactorily.

(c) Consignmentwise inspection.—Any manufacturing unit not satisfying the requirements specified in clauses (a) and (b) shall offer to any agency their export consignments for inspection which shall be done to ensure that the products manufactured by it conforms to the specification recognised by Central Government under section 6 of the Act.

(3) The following procedure shall be followed for inspection and certification of safety razor blades, namely :—

- (a) Any manufacturing unit recognised under self-certification scheme under clause (a) of sub-rule (2) shall issue certificate of export worthiness for export consignments, manufactured by it.
- (b) (i) Any exporter (other than those manufacturing units recognised under self-certification scheme) intending to export safety razor blades shall give intimation in writing of his intention so to do and submit along with such intimation a declaration of the specifications giving detailed of all technical characteristics as stipulated in the export contract relating to such export to any of the agencies to enable it to carry out inspection in accordance with clause (b) or clause (c) of sub-rule (2).
 - (ii) He shall at the same time endorse a copy of such intimation for inspection to the office of the Council nearest to the office of the agency.
- (c) For export of products manufactured by units approved under clause (b) of sub-rule (2) the exporter shall also submit along with such intimations a declaration that the safety razor blades intended for export has been manufactured by exercising quality control as laid down in Annexure III and that the consignment conforms to the requirements of the specifications recognised for this purpose.
- (d) Every intimation and declaration under clause (b) or clause (c) shall reach the office of the agency and the Council not less than two years' prior to the despatch of the consignment from the manufacturer's premises.
- (e) The exporter shall also furnish to the agency the identification marks applied on the consignment.
- (f) On receipt of the intimation and declaration under clause (b) or clause (c), the agency ;
 - (i) in the case of an exporter exporting products manufactured by units approved under clause (b) of sub-rule (2) on satisfying itself that during the process of manufacture the unit, had exercised adequate quality controls as provided under Annexure III and followed the instructions, if any, issued by the Council in this regard, shall within three days issue a certificate declaring the consignment of safety razor blades as export-worthy. However, the agency shall, ensure through periodic inspections that adequate control are exercised at the manufacturing premises, and
 - (ii) in case of exporter exporting products manufactured by units falling under clause (c) sub-rule (2) shall carry out inspection of safety razor blades with a view to ensuring that the products conform to the specifications recognised for the

- (g) (i) After completion of inspection, the agency shall immediately seal packages in the consignment in a manner so as to ensure that the sealed packages cannot be tampered with.
- (ii) In case of rejection of consignment, if the exporter so desires, the consignment may not be sealed by the agency.
- (iii) In such cases, however, the exporter shall not be entitled to prefer any appeal against the rejection.
- (h) If the agency is satisfied that the consignment of safety razor blades complies with the requirements under these rules it shall within seven days of completion of inspection, issue a certificate to the exporter declaring that the consignment is exportworthy.

Provided that where the agency is not so satisfied, it shall within the said period of seven days, issue a rejection letter communicating the reasons therefor.

- (i) As and when required by the agency, the exporter shall supply free of charge for inspection and testing samples of safety razor blades from export consignment. Such samples shall however, be returned by the agency after done with.

4. Affixation of recognised mark and procedure thereof:—The provisions of the Indian Standard Institution (Certification Marks) Act, 1952 (36 of 1952), the Indian Standard Institution (Certification Marks) Rules, 1955 and the India Standards Institution (Certification Marks) Regulations, 1955 shall so far as may apply in relation to the procedure of affixation of the recognised mark or seal on safety razor blades prior to export and safety razor blades so marked shall not be subjected to any inspection under rule 3.

5. Place of Inspection: Inspection under these rules shall be carried out at the manufacturing or other premises where adequate testing and inspection facilities are available.

6. Inspector fee: Inspection fee shall be paid by the exporter to the agency as under:

(a) For units under self-certifications scheme:

- Rs. 1,000 per annum for exports of less than
Rs. 5 lakh per annum.
Rs. 2,500 per annum for exports of over
Rs. 5 to 25 lakhs per annum.
Rs. 5,000 per annum for exports of over
Rs. 25 to 50 lakhs per annum.
Rs. 10,000 per annum for exports of over
Rs. 50 to 100 lakhs per annum.
Rs. 20,000 per annum for exports exceeding
Rs. 100 lakhs per annum.

- (b) For units under inprocess quality control scheme.—At the rate of twenty paise for every hundred rupees of f.o.b. value subject to a minimum of rupees hundred only for each consignment.

- (c) For units under consignment-wise inspection scheme.—At the rate of fifty paise for every hundred rupees of f.o.b. value subject to a minimum of rupees hundred only for each consignment.

7. Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under rule 3 may within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts, consisting of not less than three persons that may be constituted by the Central Government.

- (2) The panel shall consist of at least two-third of non-officials of the total memberships of the panel of experts.
- (3) The quorum for the panel shall be three.
- (4) The appeal shall be disposed of within fifteen days of its receipts.

ANNEXURE II

(See rule 3)

Norms of Self-Certification

- (i) The unit should have an effective and comprehensive quality control set up covering all operations.
- (ii) The quality control set up should be headed by a competent technical person at a senior level and he should not be reporting to an officer who is in-charge of production.
- (iii) The unit should have detailed company standards not only for its products but also for the entire range of raw materials and components that are bought out. Such company standards should not be lower in quality to that of the relevant Indian Standard Specifications.
- (iv) The unit must have its own facilities for routine and acceptance tests and to the extent possible, type tests as well. Further the unit should have necessary equipment for exercising an effective metrological control over the gauges used by them.
- (v) The unit should have a clearly laid down scheme of testing and inspection indicating the characteristics to be tested and the frequency of testing to ensure conformity of its production to the standard specifications. The existence of a scheme of testing alone would not be sufficient but the unit should be able to convince an independent panel about its efficiency.
- (vi) The goods to be exported and to be certified under self certification should conform to the relevant Indian Standard or any other recognised national standard.
- (vii) The unit should have a record of continuous consumer satisfaction in India and in the overseas markets for a minimum period of 3 years. Incidents of complaints of design, manufacture and packaging should be minimum and in the event of any such complaint the unit should have taken effective and positive measures of improvement and ensured customer satisfaction.
- (viii) In the case of direct exports by ancillary units, who are also supplying to O.E. manufacturers in India there should be a consistent record of quality supplies to them for a minimum period of 3 years.
- (ix) Apart from the norms prescribed above the units will also be required to have the stipulated in process controls.

ANNEXURE III

(See rule 3)

In-process Quality Control.—The quality of the Safety Razor Blades intended for export shall be ensured by the manufacturer by effecting the following controls at different stages of manufacture.

1. Bought out materials and components control.—(a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of materials or components to be used and the detailed dimensions thereof with tolerances.
- (b) The accepted consignments shall be either accompanied by a producer's test certificate corroborating the requirement of the purchase specifications or in the absence of such test certificates, samples from each consignment shall be regularly tested to check up its conformity to the purchase specifications. The producer's test certificate shall be counter-checked at least once in five consignments to verify the correctness.
- (c) The incoming consignments shall be inspected and tested for ensuring conformity to purchase specifications against statistical sampling plans.

(d) After the inspection or test is carried out, systematic methods shall be adopted in segregating the accepted and rejected materials or components and in disposal of rejected materials or components.

(e) Adequate records in respect of the above mentioned controls shall be systematically maintained.

2. Process Control.—(a) Detailed process specifications shall be laid down by the manufacturers for various process of manufacture.

(b) Equipment or instrumentation facilities shall be adequate to control the processes as laid down in the process specifications.

(c) Adequate records shall be maintained to enable the verification of the controls exercised during the process of manufacture.

3. Product Control.—(a) The manufacturer shall either have his own testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per the standard specifications. Adequate records thereof shall be maintained.

(b) Sampling (Wherever required) for testing shall be based on a recorded investigation.

(c) Each and every assembly shall be checked against a laid down inspection check list.

4. Metrological Control.—Gauges and instruments used in the production and inspection shall be periodically checked or calibrated and records shall be maintained in the form of history cards.

5. Preservation Control.—(a) A detailed specification shall be laid down by the manufacturer to safeguard the product from adverse effects of weather conditions.

(b) The product shall be well preserved both during storage and during transit.

6. Packing Control.—A specification shall be laid down for packing the aforesaid products.

[No. 6(37)/76-EI&EP]

C. B. KUKRETI Jr. Director

मुख्य नियंत्रण, आपात-नियंत्रण का कार्यालय

आदेश

नई विल्ली, 31 मई, 1979

का० आ० 2058.—मर्वशी ऑप्पन ग्रीष्म लि०, बम्बई को आरहों आर्ड डी ए श्रेडिंग-टी डी एफ सं० 616—आर्ड एन के अन्तर्गत पूँजीगत माल के आयात के लिए 24,47,000/- रुपये (चौबीस लाख सेंतासीस हजार रुपये मात्र) (एस डब्ल्यू एफ आर एस 6,52,150 का आयात लाइसेंस सं० पी/सी जी/2072937 दिनांक 3-1-78 प्रदान किया गया था। पार्टी ने उपर्युक्त लाइसेंस की मुद्रा-विनियमन नियंत्रण प्रति की अनुलिपि प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल मुद्रा-विनियमन नियंत्रण प्रति अधिक रूप से अर्थात् 19,70,864/- रुपये (उनीस लाख सत्तर हजार आठ सौ चाँसठ रुपये मात्र) (एस डब्ल्यू एफ आर एस० 5,26,021.69) के लिए उपयोग करने के पश्चात् खो गई अवधार अस्थानस्थ हो गई है।

2. अपने तर्क के मर्मान में, लाइसेंसधारी ने सहायक पंजीयक, महानगरीय जिलाधीश न्यायालय अम्बई के सम्मुख विधिवत् शपथ लेकर एक स्वेच्छ पेंपर पर शपथ-पत्र दाखिल किया है। तबनुसार, मैं संतुष्ट हूँ कि आयात लाइसेंस सं० पी/सी जी/2072937, दिनांक 3-1-78 को मूल मुद्रा-विनियमन नियंत्रण प्रयोजन प्रति फर्म हारा खो गई अवधार अस्थानस्थ ही गई है। यथा संशोधित, आपान नियंत्रण आदेश, 1955, दिनांक 7-12-55 की उपधारा 9 (सी सी) के अन्तर्गत प्रकृत अधि-

कारों का प्रयोग करने हुए मर्वशी ऑप्पन ग्रीष्म लि०, बम्बई को जारी किए गए आयात लाइसेंस सं० पी/सी जी/2072937 दिनांक 3-1-78 को उक्त मूल मुद्रा विनियमन नियंत्रण प्रयोजन प्रसि एन्ड हारा रद्द की जाती है।

3. पार्टी को उक्त लाइसेंस की अनुलिपि मुद्रा-विनियमन नियंत्रण प्रति अलग से जारी की जा रही है।

[सं० 1991/77/4/सी. जी.—1]

(Office of the Chief Controller of Imports and Exports)

ORDERS

New Delhi, the 31st May, 1979

S.O. 2058.—M/s. Crompton Greaves Ltd., Bombay were granted import licence No. P/CG/2072937 dated 3-1-78 for Rs. 24,47,000/- (Rupees twenty four lakh and forty seven thousand only) (Sw. Frs. 6,52,150) for import of capital goods under XIth IDA Credit-TDF No. 616-IN. The party have applied for issue of duplicate copy of exchange control purposes copy of the above-mentioned licence, on the ground that the original exchange control copy of the licence has been lost or misplaced by them, after utilising the same for a part value of Rs. 19,70,864 (Rupees nineteen lakh seventy thousand eight hundred & sixty four only)—(Sw. Frs. 5,26,021.69).

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before Assistant Registrar, Metropolitan Magistrates Courts, Bombay. I am accordingly satisfied that the original Exchange Control purposes copy of the import licence No. P/CG/2072937, dated 3-1-78 has been lost or misplaced by the firm. In exercise of the power confirmed under sub-clause 9(c) of the import Control Order, 1955, dated 7-12-55 as amended the said original exchange control purposes copy of import licence No. P/CG/2072937 dated 3-1-78 issued to M/s. Crompton Greaves Ltd., Bombay is hereby cancelled.

3. A duplicate exchange control copy of the said licence is being issued to the Party separately.

[No. 1991/77/4/CG-I]

का० आ० 2059.—राज्य आपार नियम नई दिनी का० 1978 आपार योजना के प्रलंबित जर्मन रेणरन्स गणराज्य से मौद्रीक का आयात करने के लिए 2 लाख 50 हजार रुपये भूल्य के लिए आपात लाइसेंस सं० पी/टी/2433282 और जी/टी/2433283 दिनांक 19-10-1978 प्रदान किया गया था। उक्तोंने उक्त आपात लाइसेंसों की दो अनुलिपि प्रतियां जारी करने के लिए इस आधार पर आवेदन किया है कि उनमें मूल लाइसेंस दो गण/प्रस्थानस्थ हो गए हैं। लाइसेंसधारी ने आपै यह भी बताया है कि लाइसेंस भारत के किसी भी पन्त पर पंजीकृत नहीं हुए हैं।

अपने तर्क के मर्मान में आवेदक ने एक जपथ-पत्र दाखिल किया है। अधोलिखानी संतुष्ट है कि लाइसेंस सं० पी/टी/2433282 और जी/टी/2433283 दिनांक 19-10-78 की दोनों प्रतियां दो गई हैं और आवेदन देता है कि उनका उक्त लाइसेंसों को दोनों प्रतियां जारी की जानी चाहिए। मूल लाइसेंस एन्ड हारा रद्द किए जाने हैं।

लाइसेंस सं० पी/टी/2433282 और जी/टी/2433283 दिनांक 19-10-1978 की अनुलिपि प्रतियां अलग से जारी की जा रही हैं।

[सं० एसटीसी/जी डी आर-3-4/78-79/आर एस 8/72]

सी० एम० आर्य, उप-मुख्य नियंत्रक

S.O. 2059.—The S.T.C. of India Ltd., New Delhi were granted import licence No. G/T/2433282 and G/T/2433283 dated 19-10-78 for the import of Metol from GDR under 1978 Trade Plan worth Rs. 2.50 lakh each.

They have requested for the issue of two duplicate copies of the above mentioned import licences on the ground that the original licences have been lost/misplaced by them. It has further been reported by the licence that the licences have not been registered with any port in India.

In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that both the copies of licences No. G/T/2433282 & G/T/2433283 dated

19-10-78 have lost and directs that both the copies of the said licences should be issued to them. The original licences are hereby cancelled.

Duplicate copies of the licences No. G/T/2433282 & G/T/2433283 dated 19-10-78 are being issued separately.

[No. STC/GDR-3-4/78-79/RM, VIII/72]
C. S. ARYA, Dy. Chief Controller

(नामस्वरूप एवं सहकारिता विभाग)

भारतीय मानक संस्था

नई दिल्ली, 1979-05-25

का० आ० 2060—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस संख्या सी एम/एल—5038 जिसके अंतर्गत नीचे दिए गए हैं, इस अप्रैल उन्नीस सी उन्नासी से रद्द कर दिया गया है।—

अनुसूची

क्रम लाइसेंस संख्या और तिथि	लाइसेंस धारी का नाम और पता	रद्द किए गए लाइसेंस के अधीन तत्सम्बन्धी भारतीय मानक संस्था
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1. सी एम/एल—5038/1976-02-26	मैमर्सै इंडस्ट्रियल कैमिकल एंड भिनरल्स, बीएचसी (एचसीएच) जल विसर्जन संस्था, लोनी रोड इंडस्ट्रियल एरिया, नीय तेज चूर्ण मोहन नगर, गाजियाबाद (उ० प्र०)	रद्द किए गए लाइसेंस के अधीन तत्सम्बन्धी भारतीय मानक संस्था/प्रक्रिया
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IS : 562-1972 गी एच सी (एच सी एच) जल विसर्जनीय तेज चूर्ण की विशिष्ट (तीसरा पुनरीक्षण)

[सी एम डी/55 : 5038]

(Dept. of Civil Supplies & Co-operation)

INDIAN STANDARDS INSTITUTION

New Delhi, 1979-05-25

S.O. 2060.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks), Regulations 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No. CM/1-5038 particulars of which are given below has been cancelled with effect from Tenth April, One Thousand Nine Hundred and Seventynine:

SCHEDULE

Sl. No.	License No. & Date	Name & Address of the Licensee	Article/Process Covered by the License Cancelled	Relevant Indian Standards
1	2	3	4	5
1. CM/L-5038 1976-02-26	M/s Industrial Chemical & Minerals, 25-B Loni Road, Industrial Area, Mohan Nagar, Ghaziabad (U.P.).	BHC (HCH) Water Dispersible Power Concentrates.	IS : 562—1972 Specification for BHC (HCH) Water Dispersible Powder Concentrates. (Third Revision).	

[CMD/55 : 5038]

का० आ० 2061—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस संख्या सी एम/एल-1929 जिसके अंतर्गत नीचे दिए गए हैं हैं पहली अप्रैल, उन्नीस सी सतहतार से रद्द कर दिया गया है :

अनुसूची

क्रम लाइसेंस संख्या और तिथि	लाइसेंस धारी का नाम और पता	रद्द किए गए लाइसेंस के अधीन तत्सम्बन्धी भारतीय मानक संस्था
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1. सी एम/एल-1929 1969-02-27	मैमर्सै श्री विजय कुर्गा पुल्खराइजिंग मिल, एन्ड्रिन पायसनीय तेज द्रव मार्क लिंगपुरा रोड, अवस्माबाबी, बैलारी	रद्द किए गए लाइसेंस के अधीन तत्सम्बन्धी भारतीय मानक संस्था/प्रक्रिया
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IS : 1310-1974 एन्ड्रिन पाय-सनीय तेज द्रव की विशिष्ट (पहला पुनरीक्षण)

[सी एम डी/55 : 1929]

ए० पी० अनर्जी, उपमहानिवेशक

S.O. 2061:—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks), Regulations 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No. CM/L—1929 particulars of which are given below has been cancelled with effect from First April, One Thousand Nine Hundred and Seventyseven :

SCHEDULE

Sl. No.	License No. & Date	Name & Address of the Licensee	Article/Process Covered by the Licence Cancelled	Relevant Indian Standards
1	2	3	4	5
1.	CM/L—1929 1969-02-27	M/s Sri Vijayadurga Pulverising Mills, Endrin Emulsifiable Concentrates Siruguppa Road, Avammabavi, Bellary.	Brand : LION	IS : 1310—1974 Specification for Endrin Emulsifiable Concentrates (First Revision). [CMD/55 : 1929]

A.P. BANERJEE, Dy. Director General

नई दिल्ली, 1979-05-30

S.O. 2062:—भारतीय मानक संस्था (प्रमाणन चिन्ह) विनियम 1955 के उपविनियम (1) के अनुसार भारतीय मानक संस्था की ओर से प्रधिसूचित किया जाता है कि जिन मानक चिन्हों की डिजाइन उनके शास्त्रिक विवरण तथा तंत्रज्ञानी भारतीय मानक के शीर्षक सहित नीचे अनुसूची में दिये गये हैं वे भारतीय मानक संस्था द्वारा निर्धारित किये गए हैं:—

भारतीय मानक संस्था (प्रमाणन चिन्ह) प्रधिनियम 1952 और उसके प्रावधीन बने नियमों के निमित्त ये मानक चिन्ह प्रत्येक के ग्राम दी गई तिथियों से लागू होगी:

प्रानुसूची					
क्रम संख्या	मानक चिन्ह की डिजाइन	उत्पाद/उत्पाद की श्रेणी	तत्प्रमाणी भारतीय मानक की पद-संख्या शीर्षक	मानक चिन्ह की डिजाइन का शास्त्रिक विवरण	लागू होने की तिथि
1	2	3	4	5	6
1. IS		मालिस की डिजाइन	IS : 2653-1964 मालिस की डिजिल्यां की विशिष्टि	भारतीय मानक संस्था का मोनोप्राप्त जिसमें "ISI" शब्द होते हैं, स्टम्प (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोप्राप्त के ऊपर की ओर भारतीय मानक की पदमंडपा दी गई है।	1978-10-01
2. IS		उच्च गति प्रौद्योगिकी के इस्पात	IS : 7291-1974 उच्चगति प्रौद्योगिकी के इस्पात की विशिष्टि	भारतीय मानक संस्था का मोनोप्राप्त जिसमें "ISI" शब्द होते हैं, स्टम्प (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोप्राप्त के ऊपर की ओर भारतीय मानक की पदमंडपा दी गई है।	1979-03-01
3. IS		गैस परीक्षण के लिए	IS : 7577-1975 गैस परीक्षण के लिए उत्पाद लैम्प	गैस परीक्षण के लिए उत्पाद लैम्प की विशिष्टि	1978-11-16

[सं. सी. एम. डी/13:9]

New Delhi, 1979-05-30

S.O. 2062:—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution, hereby, notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standards, are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each :

SCHEDULE

Sl. No.	Design of the Standardmark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of Standard Mark	Date of Effect
1	2	3	4	5	6
1. IS:2653		Safety matches in boxes	IS:2653-1964 Specification for safety matches in boxes	The monogram of the Indian Standard Institution, consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in col. (2); the number of the Indian Standard being supercribed on the top side of the monogram as indicated in the design	1978-10-1
2. IS:7291		High speed tool steels	IS:7291-1974 Specification for high speed tool steels	The monogram of the Indian Standards Institution, consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being supercribed on the top side of the monogram as indicated in the design.	1979-03-01
3. IS:7577		Gas testing flame safety lamps	IS:7577-1975 Specification for gas testing flame safety lamps	-do-	1978-11-16

[No. CMD 13 : 9]

का० आ० 2063—भारतीय मानक संस्था (प्रमाणन चिन्ह) विभिन्नम् 1955 के विभिन्नम् 7 के उपविभिन्नम् (3) के अनुसार भारतीय मानक संस्था द्वारा प्रतिपूर्वित किया जाता है कि विभिन्न वस्तुओं की प्रति इकाई मूहर लगाने की फीस अनुमती में वी गई औरों के अनुसार निर्धारित की गई है।

भारतीय मानक संस्था (प्रमाणन चिन्ह) प्रविन्नियम् 1952 और उसके अधीन वस्तुओं के नियमों के नियमित ये मानक चिह्न प्रत्येक के आगे दी गई तिथियों से लागू होती है:

अनुमति

क्रम उत्पाद/उत्पाद की संक्षया की श्रेणी	तस्वीर्वाची भारतीय मानक की पदसंक्षया और शीर्षक	इकाई	प्रति इकाई मूहर लगाने की फीस	लागू होने की तिथि	
(1)	(2)	(3)	(4)	(5)	(6)
1. माचिस की डिब्बियाँ	IS : 2653-1964 माचिस की डिब्बियों की विशिष्टि	100 ग्रूम	(1) पहली 2000 इकाइयों के लिए रु 1.00 प्रति इकाई; (2) 2001 वीं से 5000 तक की इकाइयों के लिए 60 पैसे प्रति इकाई; (3) 5001 वीं और 10000 तक की इकाइयों के लिए 30 पैसे प्रति इकाई; और (4) 10001 वीं और इससे ऊपर की इकाइयों के लिए 20 पैसे प्रति इकाई,	1978-10-01	
2. उच्चगति श्रीजारों के इस्पात	IS : 7291-1974 उच्चगति श्रीजारों के इस्पात की विशिष्टि	एक मीटरी टन	(1) पहली 20 इकाइयों के लिए रु 200.00 प्रति इकाई; (2) 21 वीं और उससे ऊपर की इकाइयों के लिए रु 100.00 रु 20 प्रति इकाई	1979-03-01	
3. गैस परीक्षण के लिए ज्वाला बचाव सैम्प्ल	IS : 7577-1975 गैस परीक्षण के लिए ज्वाला बचाव सैम्प्ल की विशिष्टि	एक ग्राम	रु 1.00		1978-11-16

सं० सी एम शी/13 : 10]

ए० पी० बनर्जी, उपमहानियेशक

S.O. 2063.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution, hereby, notifies that the marking fee(s) per unit for various products details of which are given in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from the dates shown against each:

SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit	Date of effect
(1)	(2)	(3)	(4)	(5)	(6)
1.	Safety matches in IS:2653-1963 Specification for safety matches in boxes.	100 gross		(i) Re 1.00 per unit for the first 2000 units; (ii) 60 Paise per unit from 2001st to 5000 units and. (iii) 30 Paise per unit from 5001st to 10000 units and (iv) 20 Paise per unit for 10001st unit and above.	1978-10-01
2.	High speed tool steel IS:7291-1974 Specification for high speed tool steels	One tonne		(i) Rs. 200.00 per unit for the first 20 units and 1979-03-01 (ii) Rs. 100.00 per unit for the 21st unit above	
3.	Gas testing flame safety lamps IS : 7577-1975 Specification for gas testing flame safety lamps	One Piece		Re. 100	1978-11-16

[No. CMD/13 : 10]

A. P. BANERJI, Deputy Director

उद्योग मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 1 जून, 1979

मुद्रिपत्र

S.O. 2064.—भारत के राजपत्र, प्रसादारण, भाग 2, खण्ड 3, उपखण्ड (i) में प्रकाशित भारत सरकार के उद्योग मंत्रालय (औद्योगिक विकास विभाग) की अधिसूचना सं 110(अ), तारीख 24 फरवरी, 1979 में निम्नलिखित संशोधन किया जाएगा :—

(1) पृष्ठ 197 पर, मर 10 की पंक्ति 1 में, “इण्डियन कॉटन मिल्स फेडरेशन का प्रतिनिधि” के स्थान पर “ग्रन्थाकार, इण्डियन कॉटन मिल्स फेडरेशन (आई.सी.एम.एफ.)” पढ़ें।

[फा० सं 13/54/77-टी०पी०सी०]

धारा० रामकृष्ण, संयुक्त सचिव

MINISTRY OF INDUSTRY

(Department of Industrial Development)

New Delhi, the 1st June, 1979

CORRIGENDUM

S.O. 2064.—In the notification of the Government of India, in the Ministry of Industry (Department of Industrial Development) No. S.O. 110(E) dated the 24th February, 1979, published in the Gazette, Extraordinary, Part II, Section 3, Sub-Section (ii), the following amendments shall be carried out :—

- (1) at page 197, in line 1 of item 10—
for “Representative of Indian Cotton Mills’ Federation”,
read “The Chairman, Indian Cotton Mills’ Federation (ICMF)”,
- (2) at page 197, in line 1 of item 17—
for “The President”, read “The Chairman”.

[File No. 13/54/77-TPC]

R. RAMAKRISHNA, Jr. Secy.

(भारी उद्योग विभाग)

नई दिल्ली, 4 जून, 1979

S.O. 2065.—उद्योग मंत्रालय (भारी उद्योग विभाग) की अधिसूचना सं 1563 विनांक 28-5-1977 में आंकिक रूप-भेद करते हुए एवम् सरकारी परिसर (गैर कानूनी कानूनी वेवेलोनी) अधिनियम, 1971 (1971 का 40) की धारा 3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा उप-प्रबन्धक (प्रशासन), बी०एच० ई०एल०, तिरुचि के स्थान पर प्रबन्धक (प्रशासन) बी०एच०ई०एल०, तिरुचि को उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है। वह, स्थानीय सीमाओं के भीतर जीसाकि 24-8-74 को अधिसूचना का०धा० सं 2181 की तालिका के भाग 2 में परिमाणित किया गया है, उक्त अधिनियम के द्वारा प्रदत्त शक्तियों का प्रयोग करेगा और सम्पदा अधिकारी को सौंपे गए कलमों का पालन करेगा।

[फा० सं 14-3/74-एच०ई०एम०]

एन० सुब्रह्मण्यम, प्रबन्धक सचिव

(Department of Heavy Industry)

New Delhi, the 4th June, 1979

S.O. 2065.—In partial modification of the Ministry of Industry’s (Department of Heavy Industry) Notification No. 1563 dated 28-5-77 and in exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, (40 of 1971) the Central Government hereby appoints the Manager (Administration), B.H.E.L., Tiruchy to be the Estate Officer for the purposes of the said Act. He shall exercise the powers conferred and perform the duties imposed, on the Estate Officer, by or under the said Act, within the local limits as defined in Part-II of the table of the Notification S.O. No. 2181 dated 24-8-74.

[File No. 14-3/74 HES]

N. SUBRAHMANYAM, Under Secy.

आदेश

नई दिल्ली, 19 मई, 1979

का० आ० 2066.—विकास परिषद (कार्यविधिक) नियम, 1952 के नियम 2, 4 और 5 के साथ पठित उद्योग (विकास तथा विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 6 द्वारा प्रवत शक्तियों का प्रयोग करते हुए केन्द्रीय राज्य सरकार एतद्वारा निम्नलिखित व्यक्तियों को भारत सरकार, भारी उद्योग विभाग के आदेश विनांक 23 फरवरी, 1969 द्वारा मरीनी ओजारों के सिर्फ अधिकार उत्पादनरत अनुसूचित उद्योगों के लिए गठित की गई विकास परिषद का सदस्य नियुक्त करती है और नियंत्रण देती है कि उक्त आदेशों में निम्नलिखित संशोधन किए जायेंगे, अर्थात् :—

उक्त आदेश में, श्रम संलग्न 11 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जायेगी, अर्थात् :—

11. श्री डी० एस० मुल्ला, प्रेसिडेन्ट इंडियन मशीन टूल्स मैन्यूफैक्चरर्स एसोसिएशन बम्बई ।

[का० सं० 19-7/78-एम० ई०]
ए० एफ० कुटो, भ्रपर सचिव

ORDER

New Delhi, the 19th May, 1979

S.O. 2066.—In exercise of the powers conferred by Section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951) read with Rules 2, 4 and 5 of the Development Council (Procedural) Rules, 1952, the Central Government hereby appoints the following person to be a member of the Development Council constituted by the order of the Government of India in the Department of Heavy Industry order dated 23rd February, 1979 for the Scheduled Industries engaged in the manufacture or production of Machine Tools and directs that following amendments shall be made in said order namely :

In the said order for entry occurring against serial No. 11 the following entry shall be substituted namely :—

11. Shri D. S. Mulla, President, Indian Machine Tool Manufacturers' Association, Bombay.

[File No. 19-7/78-MT]

A. F. COUTO, Additional Secy.

विदेश संबंधालय

नई दिल्ली, 25 अप्रैल, 1979

का० आ० 2067.—उत्प्रवास अधिनियम, 1932 (1922 का 7) की धारा 3 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा 15 फरवरी, 1979 के अपराह्न से श्री बी० दिल्ली दिल्ली के स्थान पर जिनका प्रत्यावर्तन केरल राज्य सरकार के आनन्द मूल-संकरण में उसी तरीख से हो गया है, अन-सम्पर्क अधिकारी, श्री ई० राजन को त्रिवेन्द्रम के हवाई पत्तन का उत्प्रवास-संरक्षक नियुक्त करती है।

[सं० भी० पी० ओ० ई०/7/79]

ए० एफ० एल० शुरी, भ्रपर सचिव

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 25th April, 1979

S.O. 2067.—In exercise of the powers conferred by Section 3 of the Emigration Act, 1922 (VII of 1922), the Central

Government hereby appoints Shri E. Rajan, Public Relations Officer, to be Protector of Emigrants for the airport of Trivandrum with effect from the forenoon of 15th February, 1979 vice Shri B. Wilson who stands reverted to his parent cadre in the State Government of Kerala with effect from the same date.

[No. CPEO/7/79]

M. L. SURI, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

मई दिल्ली, 31 मई, 1979

का० आ० 2068.—केन्द्रीय सरकार, औषधि और प्रसाधन सामग्री अधिनियम, 1940 (1940 का 23) की धारा 20 की उपचारा (2) द्वारा प्रवत शक्तियों का प्रयोग करते हुए और भारत सरकार के स्वास्थ्य और परिवार विभाग भवन मंत्रालय (स्वास्थ्य विभाग) की प्रब्रिस्कारा का० आ० सं० 3362, तारीख 29 अक्टूबर, 1977 को प्रविष्टि करते हुए,—

- (i) डा० एम० के० मजूमदार उपनिवेशक, केन्द्रीय औषधि प्रयोग-शाला, कलकत्ता
- (ii) डा० एस० स० शर्मा उपनिवेशक, केन्द्रीय औषधि प्रयोग-शाला, कलकत्ता
- (iii) श्री बी० मण्डल पैथकार रसायनश, केन्द्रीय औषधि प्रयोगशाला, कलकत्ता
- (iv) डा० पी० स० थोस ज्येष्ठ वैज्ञानिक अधिकारी, केन्द्रीय औषधि प्रयोगशाला, कलकत्ता

को निम्नलिखित वर्गों की औषधियों की वाबत सम्पूर्ण भारत के लिए सरकारी विभाग की नियुक्त करती है, अर्थात् :—

- 1. सेरा
- 2. इन्जेस्टन के लिए ग्राहणित सिरम प्रोटीनों का घोल
- 3. वैक्सीन
- 4. टाक्सीन
- 5. एन्टीजिन
- 6. एन्टी टाक्सीन
- 7. निजमित गल्य चिकित्सा विगेषर और निजमित सूचर
- 8. जीवाणु भांगी
- 9. पशु-चिकित्सा के उपयोग के लिए एन्टी-सेरा
- 10. पशु-चिकित्सा के उपयोग के लिए वैक्सीन
- 11. पशु-चिकित्सा के उपयोग के लिए टाक्साइड
- 12. पशु-चिकित्सा के उपयोग के लिए डायामास्टिक एन्टीजिन ।

[सं० एक्स 11014/7/79-डी० एम० एस० ए० पी० एफ० ए०]

विजय भूषण, उप सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, 31st May, 1979.

S.O 2068.—In exercise of the powers conferred by sub-section (2) of section 20 of the Drugs and Cosmetics Act, 1940 (23 of 1940) and in supersession of the notification of the Government of India in the Ministry of Health and Family Welfare (Department of Health) S.O. No. 3362 dated 29th October, 1977 the Central Government hereby appoints :—

- (i) D. M. K. Majumdar, Deputy Director, Central Drugs Laboratory, Calcutta.
- (ii) Dr. S. C. Sharma, Deputy Director, Central Drugs Laboratory, Calcutta

- (iii) Shri B. Mandal, Pharmaceutical Chemist, Central Drugs Laboratory, Calcutta.
- (iv) Dr. P.C. Bose, Senior Scientific Officer, Central Drugs Laboratory, Calcutta.

to be Government Analysts for the whole of India in respect of the following classes of drugs, namely:—

All classes of non-biological drugs and biological drugs, except the classes of drugs mentioned below namely:—

1. Sera.
2. Solution of Serum proteins intended for injection.
3. Vaccines.
4. Toxins.
5. Antigens.
6. Anti-toxins.
7. Sterilized surgical ligature and sterilized suture.
8. Bacteriophages.
9. Anti-sera for veterinary use.
10. Vaccines for veterinary use.
11. Toxoids for veterinary use.
12. Diagnostic Antigens for veterinary use.

[No. X.11014/2/79-DMS&PFA]
VIJAY BHUSHAN, Dy. Secy.

नई दिल्ली, 31 मई, 1979

का० घा० 2069.—यतः मार्तिय आयुष्मान परिषद् अधिनियम 1956 (1956 का 102) की धारा 7 की उपधारा (1) के उपबन्धों का अनुसरण करते हुए सौराष्ट्र विविधालय ने एम० पी० शाह मेडिकल कालेज, जामनगर के इन डा० एम० एन० जिल्हे को डा० ए० एस० माधव के स्थान पर मार्तिय आयुष्मान परिषद् का सदस्य बना है।

यतः यदि उक्त प्रधारण की धारा 3 की उपधारा (1) का अनुसरण करते हुए केन्द्रीय सरकार एवं द्वारा भूतपूर्व स्थास्थ मंत्रालय की 9 जनवरी, 1960 की अधिसूचना संख्या एस०घा० 138 में आगे और निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के अण (ब)” के अधीन निर्वाचित शीर्ष के अन्तर्गत कम संख्या 37 और उससे सम्बन्धित प्रतिष्ठित के स्थान पर निम्नलिखित कम संख्या तथा प्रविष्ट रखी जाएगी, अर्थात्:—

“37. डा० एम० एन० जिल्हे,
डीन,
एम० पी० शाह मेडिकल कालेज,
जामनगर।

[संख्या घा० 11013/12/79-एम०ई०(पी०)]

प्रार० घा० श्रीविजान, उप सचिव

New Delhi, the 31st May, 1979

S.O. 2069.—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 read with sub-section (4) of section 7 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. M. N. Jindal, Dean, M. P. Shah Medical College, Jamnagar, has been elected by the Saurashtra University to be a member of the Medical Council of India vice Dr. A. S. Madhav ;

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendments in the notification of the late Ministry of Health No. S.O. 138 dated the 9th January, 1960, namely,—

In the said notification, under the heading “Elected under clause (b) of sub-section 3”, for Serial No. 37 and the entry

relating thereto, the following Serial No. and the entry shall be substituted, namely :—

“37. Dr. M. N. Jindal, Dean,
M. P. Shah Medical College, Jamnagar.”

[No. V. 11013/13/79-M.E. (Policy)]
R. V. SRINIVASAN, Dy. Secy.

नई दिल्ली, 4 जून, 1979

का० घा० 2070.—यतः केन्द्रीय सरकार को मार्तिय पास्थ्यूर संस्थान सम्पत्ति प्रबन्ध योजना (जिसे इसके बाब उक्त योजना कहा जाएगा) के संचालन में कार्य करने वाले व्यक्तिसे उक्त योजना में संशोधन करने के लिए एक आवेदन प्राप्त हुआ है।

यतः पूर्त प्रधानमंत्री अधिनियम, 1980 (1980 का 6) की धारा 5 की उपधारा (2) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार मानवेक्षक की सहमति से उक्त योजना में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त योजना के पैरा 4 में उल्लिखित शब्द “स्थास्थ सेवाओं के भवर महानिदेशक/उप-महानिदेशक” के स्थान पर “निदेशक केन्द्रीय प्रनुसंधान संस्थान, कसौली” शब्द रखे जाएँ।

[संख्या घा० 29011/1/78-ई०पी०आई०(एम०एस०)]

एन० ए० मुकुमणि, प्रबर सचिव

New Delhi, the 4th June, 1979

S.O. 2070.—Whereas an application has been received by the Central Government from the person acting in the administration of the Scheme for the administration of property of the Pasteur Institute of India (hereinafter referred to as the said Scheme), for modification of the said Scheme.

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 5 of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government, with the concurrence of the person who has made the application, hereby makes the following amendment in the said Scheme, namely :—

In paragraph 4 of the Scheme, for the words “Additional Director General/Deputy Director General of Health Services” the words “Director Central Research Institute, Kasauli” shall be substituted.

[No. V. 29011/1/78-EPI (MS)]

N. A. SUBRAMONEY, Under Secy.

शक्ति पद

नई दिल्ली, 6 जून, 1979

का० घा० 2071.—कार्मिक और प्रशासन सुधार विभाग में इस भवालय को सूचित किया है कि वि सेकेटरी आफ स्टेट सचिव (मेडिकल अटेंडेंट) कस्त, 1938 की एक प्रस्त॑ब, 1972 से रद्द कर दिया गया है, और इस भवालय की तारीख 16 फरवरी, 1976 की अधिसूचना संख्या एस० 11011/2/76-सी० घा० एक० एस० (पी०) (ए) केन्द्रीय सरकार स्थास्थ योजना (बंगलौर) नियमाबली 1976 के पैरा-2 में आए शब्द “वि सेकेटरी आफ स्टेट सचिव (मेडिकल अटेंडेंट) कस्त 1938” को हटा दिया गया भावा जाये।

[संख्या एस० 11011/2/76-सी० घा० एक० एस० (पी०) (ए)]

श्रीमती आशा शर्मा, प्रबर सचिव

CORRIGENDUM

New Delhi, the 6th June, 1979

S.O. 2071.—The Department of Personnel and Administrative Reforms have informed this Ministry that the Secretary of State Service (Medical Attendance) Rules, 1938, have been repealed from the 1st October, 1972, therefore, the words “the Secretary of States’ Services (Medical Attendance) Rules, 1938” appearing in para 2 of this Ministry’s Notification No. S. 11011/2/76-CGHS(P)(A) dated the 16th February, 1976 Central Government Health Scheme (Bangalore) Rules, 1976 may be treated to have been deleted.

कृषि और किंवद्वार्ह मंत्रालय

(खाद्य विभाग)

आदेश

नई दिल्ली, 31 मई, 1979

खाता० 2072—अतः केन्द्रीय सरकार ने खाद्य विभाग, क्षेत्रीय खाद्य निवेशालयों, उपापित निवेशालयों और खाद्य विभाग के बेतन सथा लेहां कार्यालयों द्वारा किए जाने जाने वालाओं के क्रम, भण्डारकरण, संचयन, परिवहन, वितरण तथा विक्रय के क्रूर्यों का पालन करना बन्द कर दिया है जो कि खाद्य नियम अधिनियम, 1964 (1964 का 37) की धारा 13 के प्रधीन भारतीय खाद्य नियम के क्रूर्य हैं;

और यह खाद्य विभाग, क्षेत्रीय खाद्य निवेशालयों, उपापित निवेशालयों और खाद्य विभाग के बेतन सथा लेहां कार्यालयों में कार्य कर रहे और उपरिवर्णित क्रूर्यों के पालन में लगे निम्नलिखित अधिकारियों और कर्मचारियों ने केन्द्रीय सरकार के सारीख 16 अप्रैल, 1971 के परिपत्र के प्रत्युत्तर में उसमें लिनिंग्ट तारीख के प्रत्यं भारतीय खाद्य नियम के कर्मचारी न बनाने के अपर्याप्त आशय को उक्त अधिनियम की धारा 12-ए को उदाहरा (1) के परन्तुक द्वारा यथा अपेक्षित सूचना नहीं दी है।

अतः श्री, खाद्य नियम अधिनियम, 1964 (1964 का 37) यथा अद्यतम संशोधित की धारा 12-ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एनव्हारा निम्नलिखित कर्मचारियों को प्रश्नक के सामने दी गई तारीख से भारतीय खाद्य नियम में स्थानान्तरित करती है:

क्रम	अधिकारी/ केन्द्रीय सरकार के स्थानान्तरण के भारतीय खाद्य सं० कर्मचारियों का अधीन स्थायी पद समय केन्द्रीय नियम को नाम सरकार के अधीन स्थानान्तरण पद की तारीख			
1	2	3	4	5
1.	श्री पी० एन० जोशी	—	वरिष्ठ गोदामपाल	1-3-69
2.	श्री भगीरथ प्रसाद	—	वेष्टाकार	20-6-70
		गुप्त		
3.	श्री विश्वनाथ सिंह	कनिष्ठ गोदामपाल	गुण निरीक्षक	1-3-69
4.	श्री एम० आर०	प्रबूमन महायक	सरकारी सहायक रामाकृष्णन	1-3-69

[सं० 52/1/79-एफ० सी० 3 (बाल्यूम-2)]

एस० एल० कन्दोह, अवर सचिव

MINISTRY OF AGRICULTURE AND IRRIGATION

(Department of Food)

O R D E R

New Delhi, the 31st May, 1979

S.O.2072—Whereas the Central Government has ceased to perform the functions of purchase, storage, movement, transport, distribution and sale of foodgrains done by the Department of Food, the Regional Directorates of Food, the Procurement Directors and the Pay & Accounts Offices of the Department of Food which under Section 13 of Food Corporations Act, 1964 (37 of 1964) are the functions of the Food Corporation of India;

And whereas the following officers and employees serving in the Department of Food, the Regional Directorate of Food, the procurement Directorates and the Pay & Accounts Offices of the Department of Food and engaged in the performance of the functions mentioned above have not, in response to the Circular of the Central Government dated the 16th April, 1971 intimated, within the date specified therein, their intention of not becoming employees of the Food Corporation of India as required by the proviso to sub- Section (I) of Section 12A of the said Act;

Now, therefore, in exercise of the powers conferred by Section 12A of the Food Corporations Act, 1964 (37 of 1964) as amended upto date the Central Government hereby transfer the following officers and employees to the Food Corporation of India with effect from the date mentioned against each of them.

Sl. No.	Name of the officer/employees	Permanent post held under the Central Govt.	Post held under the Central Govt. at the time of transfer	Date of transfer to the FCI
1	2	3	4	5
1.	Sh. P.N. Joshi	—	Sr. Godown Keeper	1-3-69
2.	Sh. Bhagirath Prasad Gupta	—	Accountant	20-6-70
3.	Sh. Vishwanath Singh	Junior Godown Keeper	Quality Inspector	1-3-69
4.	Sh. M.R. Ramakrishnan	Fumigation Assistant	Technical Assistant	1-3-69

[No. 52/1/79—F.C.—III, (Vol.—II)]

S. L. KAMBOH, Under Secy.

पर्यटन और नागर विमानन भौतालय

तर्फ दिल्ली, 31 मई, 1979

का०धा० 2073.—केन्द्रीय सरकार एतद्वारा उस समयावधि को, जिसके द्वारा अन्दर अन्दर भारत सरकार के पर्यटन और नागर विमानन भौतालय की अधिसूचना मं० ए०वी० 15013/28/78-ए, विनांक 2 मार्च, 1979 द्वारा नियुक्त की गयी जांच अधारत को उपर्युक्त अधिसूचना में निविष्ट मामलों की जांच पूरी करने तथा केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत करने वाली आगा० यी, और प्राये बड़ा कर 31 अगस्त, 1979 करती है।

[का० म० ए०वी० 15013/28/78-ए]

एस० एकाम्बरम्, उप सचिव

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 31st May, 1979

S.O. 2073.—The Central Government hereby further extends upto the 31st August, 1979, the period of time within which the Court of Inquiry appointed by the Government of India in the Ministry of Tourism and Civil Aviation vide Notification No. AV. 15013/28/78-A dated 2nd March, 1979, will be expected to complete its inquiry into the matters specified in the Notification mentioned above, and report to the Central Government

[F. No. AV. 15013/28/78-A]

S. EKAMBARAM, Dy. Secy.

नौवहन और परिवहन भौतालय

(परिवहन पक्ष)

नई दिल्ली, 2 जून, 1979

का०धा० 2074.—दिल्ली परिवहन नियम (गवर्नर) नियम, 1973 के नियम 3 के साथ पाठित मङ्कुक परिवहन नियम अधिनियम, 1950 (1950 का 64) की धारा 5 की उपधारा (1) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री शिवशरण शुक्ल, संयुक्त सचिव और वित्तीय मंत्रालय, नौवहन और परिवहन भौतालय को दिल्ली परिवहन नियम का मद्दत्य नियुक्त करती है और भारत सरकार के नौवहन और परिवहन भौतालय (परिवहन पक्ष) की अधिसूचना सं० का०धा० 238(ई), विनांक 1 मई, 1979 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना के पैग 1 में, मद (2) और तत्त्वमन्धी प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापति किया जाए, अर्थात्:—
“(2) श्री शिवशरण शुक्ल, संयुक्त सचिव और वित्तीय मंत्रालय, नौवहन और परिवहन भौतालय”।

[का० म० टा०जी०डी० (१०)/७९]

श्री० आर० चक्रवाण, उप सचिव

MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 2nd June, 1979

S.O. 2074.—In exercise of the powers conferred by sub-section (1) of section 5 of the Road Transport Corporations Act, 1950 (64 of 1950) read with rule 3 of the Delhi Transport Corporation (Members) Rules, 1973, the Central Government hereby appoints Shri S. S. Shukla, Joint Secretary and Financial Adviser, Ministry of Shipping and Transport, as a Member of the Delhi Transport Corporation and makes the following further amendment in the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 238(E), dated the 1st May, 1979, namely:—

In para 1 of the said notification, for item (ii) and the entry relating thereto, the following shall be substituted, namely:—

“(ii) Shri S. S. Shukla, Joint Secretary and Financial Adviser, Ministry of Shipping and Transport”.

B. R. CHAVAN, Dy. Secy.

[File No. TGD(9)/79]

नई दिल्ली, 5 जून, 1979

(ध्यापार पोत)

का०धा० 2075.—ध्यापार पोत अधिनियम, 1958 (1958 का 44) की धारा 283 के खंड (क) के उपबंधों के अनुसरण में केन्द्रीय सरकार एतद्वारा यह घोषणा करती है कि (1) इराक और (2) यमन ग्रेव गणतंत्र की सरकारों ने अमरण: 27 फरवरी, 1979 और 6 मार्च, 1979 से संसद में 17 जून, 1960 की हस्ताक्षरित समझ में जीवन सुरक्षा संगमन स्वीकार कर लिया है और भारत सरकार, नौवहन और परिवहन भौतालय (परिवहन पक्ष) की अधिसूचना का० धा० 4743, विनांक 26 नवम्बर, 1976 में निम्नलिखित और संशोधन करती है:—

“उक्त अधिसूचना में, सारणी में मद 98 और संबंधित प्रविष्टियों के बाद, निम्नलिखित मद और प्रविष्टियों रखी जाएंगी, प्रार्थात्:—

1

2

“99 इराक

27 फरवरी, 1979

100 यमन ग्रेव गणतंत्र

6 मार्च 1979”

[सं० ५-एम० एस० आर० (१९)/७८-एम० ए०]

के० लाल, अव० सचिव

New Delhi, the 5th June, 1979

MERCHANT SHIPPING

S.O. 2075.—In pursuance of provisions of Clause (a) of section 283 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby declares that the Government of countries of (1) Iraq and (2) Yemen Arab Republic have accepted the Convention for the Safety of Life at Sea, signed in London, on the 17th day of June, 1960 with effect from 27th February, 1979 and 6th March, 1979 respectively, and makes the following amendments to the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 4743, dated the 26th November, 1976, namely:—

"In the said notification, in the Table, after item 98 and entries relating thereto, the following items and entries shall be inserted, namely:—

1	2
"99. Iraq	
100. Yemen Arab Republic	
27 February, 1979	6 March, 1979."

[No. 5-MSR(19)/78-MA]
K. LALL, Under Secy.

नियमण आर आवास मंत्रालय

नई दिल्ली, 31 मई, 1979

का० आ० 2076.—यतः केन्द्रीय गरकार द्वारा निम्नलिखित धोको के विषय में दिल्ली वृहत योजना में कुछ संशोधन करने का प्रस्ताव है। दिल्ली विकास प्रधिनियम, 1957 (1957 का 61) की धारा 44 के अनुबन्धों के अनुसार दिनांक 24 फरवरी, 1979 के नोटिस सं० एफ० 20(10)/77-एम०पी० के साथ प्रकाशित किया गया था तथा उक्त प्रधिनियम की धारा 11-ए की उपधारा (3) में यथा अधिकार प्राप्तियां/सुकाव कथित नोटिस की तारीख से 30 दिन के भीतर मार्गे गए थे।

यत्र यतः उपर्युक्त संशोधनों के सम्बन्ध में कोई भी प्राप्तियां/सुकाव प्राप्त नहीं हुए हैं, केन्द्रीय गरकार ने दिल्ली की वृहत योजना में संशोधन करने का निर्णय किया है। यतः उक्त प्रधिनियम की धारा 11-ए की उपधारा (2) द्वारा प्रदत्त अधिकारों का प्रयोग करने हुए अब केन्द्रीय सरकार दिल्ली की वृहत योजना में निम्नलिखित संशोधन भारत के राजपत्र में इस प्रधिसूचना के प्रकाशित होने का तारीख से करती है, नामतः

संशोधन

दक्षिण में 45.72 मीटर (150 फुट) और 300पी० रोड, उत्तर एवं पूर्व में आवासीय क्षेत्र तथा परिषम में 30.48 मीटर (100 फुट) और मार्ग (सं० 66) से ऊपर हुए क्षेत्र सं० ई-3 के अन्तर्गत ग्राने क्षेत्र से

0.6 हेक्टेयर (1.49 एकड़) आकार के भू-उपयोग "रिहायर्सी" से "ग्रजकीय कार्यालय (जिला व्यावालय)" में इस अनुबन्ध के साथ परिवर्तित कर दिया है कि महक के मार्ग का निर्धारित अधिकार बना रहेगा।

[सं० के०-13011/23/78-डी०पी०I(क)]

हर्ष देव मिन्हा, अवार सचिव

MINISTRY OF WORKS & HOUSING

New Delhi, the 31st May, 1979

S.O. 2076.—Whereas certain modification, which the Central Government proposes to make in the Master Plan for Delhi regarding the areas mentioned hereunder, was published with Notice No. F. 20(10)/77-MP, dated the 24th February, 1979 in accordance with the provisions of section 44 of the Delhi Development Act, 1957 (61 of 1957) inviting objections/suggestions, as required by sub-section (3) of section 11-A of the said Act, within thirty days from the date of the said notice;

And whereas no objections or suggestions have been received with regard to the aforesaid modification; the Central Government have decided to modify the Master Plan for Delhi;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 11-A of the said Act, the Central Government hereby makes the following modification in the said Master Plan for Delhi with effect from the date of publication of this notification in the Gazette of India, namely :

MODIFICATION :

"The land use of an area, measuring 0.6 hectare (149 acres) falling in Zone E-3 and surrounded by 45.72 metres (150 ft. wide G.T. Road in the South, residential area in the North and in the East and 30.48 metres (100 ft.) wide road (No. 66) in the West is changed from 'Residential' to 'Government Offices (District Courts)' with the stipulation that the prescribed right of way of the road will be maintained."

[No. K-13011/23/78-DDI(A)]

H. D. SINHA, Under Secy.

अम मंत्रालय

नई दिल्ली, 31 मई, 1979

का० आ० 2077.—केरल राज्य सरकार ने कर्मचारी राज्य बीमा प्रधिनियम 1948 (1948 का 34) की धारा 10 की उपधारा (1) के खण्ड (ष) के अनुसरण में 30० एम० राधिकार के स्थान पर 30०० एम० ज० जारी प्रशासनिक विकास अधिकारी कर्मचारी राज्य बीमा निगम योजना केरल सरकार लिवेल्म को विकिसा प्रसुविधा परिषद् में उस राज्य से प्रतिनिधित्व करने के लिए नामनिविष्ट किया है;

यतः अब केन्द्रीय सरकार कर्मचारी राज्य बीमा प्रधिनियम, 1948 (1948 का 34) की धारा 10 की उपधारा (1) के अनुसरण में भारत सरकार के श्रम मंत्रालय की प्रधिसूचना संख्या का० आ० 2980 विनांक 26 जूलाई, 1976 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त प्रधिसूचना में "(मंवित राज्य सरकारों द्वारा धारा 10 की उपधारा (1) के अधीन नामनिविष्ट)" शीर्षक के नीचे मव 12 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्:—

“30० एम० ज० जारी, प्रशासनिक विकास अधिकारी, कर्मचारी राज्य बीमा योजना, केरल सरकार, लिवेल्म।

[सं० य० 16012/10/78-एम० आई०]

MINISTRY OF LABOUR

New Delhi, the 31st May, 1979

S.O. 2077.—Whereas the State Government of Kerala has, in pursuance of clause (d) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Dr. M. J. George, Administrative Medical Officer, Employees' State Insurance Scheme, Government of Kerala, Trivandrum, to represent that State on the Medical Benefit Council in place of Dr. M. Raghavan;

Now, therefore, in pursuance of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. 2980, dated the 26th July, 1976, namely :—

In the said notification, under the heading “[Nominated by the State Governments concerned under clause (d) of sub-section (1) of section 10]”, for the entry against item 12, the following entry shall be substituted, namely :—

“Dr. M. J. George,
Administrative Medical Officer,
Employees' State Insurance Scheme,
Government of Kerala,
Trivandrum.”

[No. U-16012(10)/78-H.I.]

गई दिल्ली 2 जून 1979

का० ग्रा० 2078.—केन्द्रीय सरकार कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 87 द्वारा प्रवत्त अधिनियमों का प्रयोग करते हुए भीर भारत सरकार के श्रम मंत्रालय की प्रधिसूचना संलग्न का० ग्रा० 1456 विनांक 4 भई 1978 के अनुक्रम में कोल हिंडिया प्रेस रांची (जो पहले सेन्ट्रल कोलफील्ड्स प्रेस लिमिटेड) के रूप में जाना जाता था भीर जो दि कोल हिंडिया लिमिटेड का सम्बुद्धी है वी उक्त उक्त प्रधिसूचना के प्रवर्तन से पहली जूलाई 1978 से 30 जून 1979 तक जिसमें यह दिन भी सम्मिलित है एक वर्ष की भीर अधिक के लिए छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं अंदरूनी :—

उक्त कारबाह का नियोजक, उस अधिकी की बाबत जिसके बीच उस कारबाह में पर उक्त अधिनियम प्रवर्त्तमान था। जिसमें इसके पश्चात् “उक्त अधिकी” कहा गया है, ऐसी विवरणियाँ, ऐसे प्रकृति में भीर ऐसी विवरणियाँ सहित देश जो कर्मचारी राज्य बीमा साधारण विनियम, 1950 के अधीन उसे उक्त अधिकी की बाबत देनी थीं ;

(2) नियम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के प्रधीन नियुक्त किया गया कोई निरीक्षक या नियम का इस नियम प्राधिकृत कोई अन्य पवधारी :—

(i) धारा 44 की उपधारा (1) के प्रधीन उक्त अधिकी की बाबत वी गई किसी विवरणी की विविधियों को सत्यापित करते के प्रयोजनार्थ ; या

(ii) यह अधिनियित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम 1960 द्वारा यथा अपेक्षित रजिस्टर भीर अभिलेख का उक्त अधिकी के लिए रखे गए थे या नहीं ; या

(iii) यह अधिनियित करने के प्रयोजनार्थ कि कर्मचारी नियोजक द्वारा दिए गए उन फायदों को जिसके प्रति-फलस्वरूप इस अधिसूचना के प्रधीन छूट वी जा रही है नकद में भीर वस्तु रूप में पाने का हकदार बना हुआ है या नहीं ; या

(iv) यह अधिनियित करने के प्रयोजनार्थ कि उस अधिकृत के दौरान जब उक्त कारबाह के सम्बन्ध में अधिनियम के उपबन्ध प्रवृत्त थे ऐसे किन्तु उपबन्धों का अनुपालन किया गया था या नहीं ;

निम्नलिखित कार्य करने के लिए सशब्दत होगा :—

(क) प्रधान या अध्यवक्तृत नियोजक से प्रभेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पवधारी आवश्यक समझता है ; या

(ख) ऐसे प्रधान या अध्यवक्तृत नियोजक के अधिभोगाधीन किसी कारबाहे स्थापन कार्यालय या अन्य परिसर में किसी भी उक्तित समय पर प्रवेश करना भीर उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन भीर मजदूरी के सम्बन्ध से संबंधित ऐसे लेखा बहियों भीर अन्य वस्तावेज ऐसे निरीक्षक या अन्य पवधारी के समक्ष प्रस्तुत करें भीर उनकी परीक्षा करने दें या उन्हें ऐसी जानकारी दे जिसे वे आवश्यक समझते हैं ; या

(ग) प्रधान या अध्यवक्तृत नियोजक को उसके अधिकारी या सेवक की था ऐसे किसी व्यक्ति की जो ऐसे कारबाहे स्थापन कार्यालय या अन्य परिसर में पाया जाए या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पवधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है परीक्षा करना या

ऐसे कारबाहे स्थापन कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर लेखाबही या अन्य वस्तावेज की नकल तैयार करना या उनसे पदधरण लेना।

आवश्यक स्थापन

इस मामले में पूर्वोक्त प्रधान से छूट देनी आवश्यक हो गई है व्यापकीकृत छूट के लिए महानिवेशक कर्मचारी राज्य बीमा नियम की सिफारिश देश से प्राप्त हुई थी। तथापि यह प्रमाणित किया जाता है कि कारबाहा छूट का पात्र है। यह भी प्रमाणित किया जाता है कि पूर्वोक्त प्रधान से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पहेंगा।

[सं० एस० 38014/40/ 8-एच० आई०]

New Delhi, the 2nd June, 1979

S.O. 2078.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 1456, dated the 4th May, 1978, the Central Government hereby exempts the Coal India Press (formerly known as the Central Coal field Press Limited), Ranchi, a subsidiary of the Coal India Limited, from the operation of the said Act for a further period of one year with effect from the 1st July, 1978 upto and inclusive the 30th June, 1979.

2. The above exemption is subject to the following conditions, namely :—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulation, 1950.

(2) Any Inspector appointed by the Corporation under sub-section (1) of Section 5 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

(i) Verifying the particulars contained in any returns submitted under sub-section(1) of section 44 for the said period; or

- (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employer; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the recommendation of the Employees' State Insurance Corporation was received late. However, it is certified that the factory is eligible for exemption. It is also certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/40/78-HI]

का० शा० 2079.—केंद्रीय सरकार कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 87 द्वारा प्रवत्त अधिकारों का प्रयोग करते हुए और भारत सरकार के थ्रम मंत्रालय की अधिसूचना का० शा० 2200 तारीख 14 जुलाई 1978 के अनुक्रम में कर्मचारी राज्य बीमा नियम से परामर्श करने के पश्चात् इन्स्ट्रुमेन्ट लिमिटेड ज्ञापनाह रोड कीटा को, उक्त अधिनियम के प्रवर्तन से, पहली जुलाई, 1978 से 30 जून, 1979 तक जिसमें यह कारीब भी सम्मिलित है की और अधिकार के लिए छूट देती है।

2. पूर्वोत्तम छूट की शर्तें मिम्लिमित हैं, प्रार्थना:—

- (i) उक्त कारखाने का नियोजक, उम प्रवधि की बाबत जिसके शीर्ण उम कारखाने पर उक्त अधिनियम प्रवर्तनमान था (जिसे इसमें इसके पश्चात् “उक्त अधिकार” कहा गया है), ऐसे विवरणियों, ऐसे प्रक्रम में और ऐसी विशेषितियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के प्रधीन उसे उक्त प्रवधि की बाबत देती थी;
- (2) नियम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या नियम का इस नियम प्राधिकृत कोई भ्रन्य पदधारी:—
- (i) धारा 34 की उपधारा (1) के अधीन, उक्त अधिकार की बाबत दी गई किसी विवरणी की विशेषितियों को मत्यागित करने के प्रयोजनार्थ; या

(ii) यह अधिनियम करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अधिकार रजिस्टर और अधिलेक्ट का, उक्त अधिकार निए रखे गए थे या नहीं, या

(iii) यह अधिनियम करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन कार्यदां को, जिसके प्रति कानूनस्वरूप इस अधिसूचना के प्रधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना दुप्ता है या नहीं; या

(vi) यह अधिनियम करने के प्रयोजनार्थ कि उस अधिकार के द्वारा, जब उक्त कारखाने के सम्बन्ध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

मिम्लिमित शार्त करने के लिए सम्मत होगा :—

(क) प्रधान या अव्यवहित नियोजक से शोक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या भ्रन्य पदधारी आवश्यक समझता है; या

(ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिभोगाधीन किसी कारखाने, स्थापन, कार्यालय या भ्रन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह अधिकारों के नियोजन और मनदूरी के सन्तोष से संबंधित ऐसे लेखा, अहिंसा और भ्रन्य दस्तावेज, ऐसे निरीक्षक या अप्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें; या उन्हें ऐसी जानकारी दे जिसे वे आवश्यक समझते हैं; या

(ग) प्रधान या अव्यवहित नियोजक को, उसके अधिकारी या सेवक की, या ऐसे किसी अधिकारी की जो ऐसे कारखाने स्थापन, कार्यालय या भ्रन्य परिसर में पाया जाए, या ऐसे किसी अधिकारी की जिसके बारे में उक्त निरीक्षक या भ्रन्य पदधारी के पास यह विश्वास करने का मुकित्युक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या भ्रन्य परिसर में ऐसे गए किसी रजिस्टर, लेखाब्दी या भ्रन्य दस्तावेज की नकल लैपार करना या उससे पद्धरण लेना।

व्यावधानक भाग

इस मामले में पूर्वोत्तम प्रभाव से छूट देनी आवश्यक हो गई है क्योंकि छूट के लिए प्राप्त आवेदन-पत्र की कार्रवाई पर समय लगा। तथापि यह प्रमाणित किया जाता है कि जिन परिस्थितियों में कारखाने को आरंभ में छूट दी गई थी, वह अभी भी विद्यमान है और कारखाना छूट का पात्र है। यह भी प्रमाणित किया जाता है कि पूर्वोत्तम प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[सं० एस० 38014/19/78-एच० शाई०]

हस राज लालडा, उप सचिव

S.O. 2079.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 2200 dated the 14th July, 1978, the Central Government after consultation with the Employees' State Insurance Corporation, hereby exempts the Instrumentation Limited, Jhalwar Road Kota from the operation of the said Act for a further period of one year with effect from the 1st July, 1978 upto and inclusive of the 30th June, 1979.

2. The above exemption is subject to the following conditions, namely:—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulation, 1950;

(2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

- (i) verifying the particulars contained in any return submitted under sub-section (1) of Section 44 for the said period; or
- (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person when the said Inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the condition under which the factory was initially granted exemption still persists and the factory is eligible for exemption. It is also certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/19/78-HI]

HANS RAJ CHHABRA, Deputy Secy.

नई शिल्पी, 15 मई, 1979

आदेश

का० आ० 2080.—केन्द्रीय सरकार की राय है कि इससे उपर्युक्त अनुसूची में विनिरिट विषयों के बारे में भारतीय रिजर्व बैंक मद्रास के प्रबन्धालय से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद का न्यायनिर्णयन के लिए निर्देशित करना चाहती है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के अनुरूप यह धारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एक औद्योगिक अधिकारण गठित करती है जिसके पीड़ीसीन अधिकारी श्री के० सेल्वरात्नम होंगे जिनका मुद्रायात्र नियोजन मद्रास में होगा और उक्त विवाद को उक्त अधिकारण की न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

“यहा भारतीय रिजर्व बैंक, मद्रास के प्रबन्धालय को बैंक की मद्रास जाका में लिपिक रोड-1, शा एम० पॉन्स्वामी की, अभियोगित छुटी किराया विवाद का मूठा वाचा करने के लिए अनुरूप दो वेतन-वृद्धियों को वापिस लेने का कारेवाई न्यायालित है? यदि नहीं, तो संबोधित कर्मकार किस अनुतोष का हकदार है?

[नं० ए०-12012/19/78-डी० 2 ए]

ORDER

New Delhi, the 15th May, 1979

S.O. 2080.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Reserve Bank of India, Madras and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri K. Selvaratnam shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

“Whether the action of the management of Reserve Bank of India, Madras in withdrawing two stages of increments from Shri S. Ponnuswamy, Clerk Grade-I in the Madras Branch of the Bank as a measure of punishment for making alleged false leave fare concession claim is justified? If not, to what relief is the workman concerned entitled?”

[No. L-12012/19/78-D.I.A.]

आदेश

नई शिल्पी, 24 मई, 1979

का० आ० 2081.:—केन्द्रीय सरकार की राय है कि इससे उपर्युक्त अनुसूची में विनिरिट विषयों के बारे में भारतीय स्टैट बैंक, मद्रास, के प्रबन्धालय से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार, उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहती है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के अनुरूप (प्रथम) धारा प्रवत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एक औद्योगिक

प्रधिकरण गठित करती है जिसके पीठासीन प्रधिकारी श्री टी० सुदर्शनम इनियर होंगे, जिनका मुख्यालय मद्रास में होगा और उनके विवाद को उनके प्रधिकरण को न्यायित्वपूर्णता के लिए निर्देशित करता है।

अनुसूची

"यह भारतीय स्टेट बैंक, मद्रास के प्रबन्ध तंत्र की निम्नलिखित कर्मकारों की सेवाएं 13-11-1973 से भवान करने की कार्रवाई न्यायालिक है :—

1. सर्वर्थी एम० श्री० सर्मा
2. श्री० मनुस्वामी
3. श्री० पलानी
4. कै० जयपाल
5. एम० प्रसाद
6. एम० अलाउद्दीन
7. श्री० संकरन
8. पी० पेरियास्वामी
9. श्री० टैगोर
10. कै० एम० नारायणन
11. एन० मनीकन
12. एम० वी० एडीमूलम
13. चन्द्रन
14. ए० सुर्यनाथन
15. एम० कै० वैद्यनाथन

यदि नहीं, तो संबंधित कर्मकार किस अनुत्तरपूर्ण के लक्ष्यालय है ?

[सं. एप-12011/49/78-डॉ०-२-ए०]

एम० कै० मुकुर्मी, अध्यक्ष सचिव

ORDER

New Delhi, the 24th May, 1979

S.O. 2081.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of State Bank of India, Madras and their workmen in respect of the matter specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Sudarsanam Daniel shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of State Bank of India, Madras in terminating the services of the undermentioned workers with effect from 13-11-1973 is justified ?"

1. S/Shri M. V. Sarma.
2. G. Munuswamy.
3. G. Palani.
4. K. Jayapal.
5. M. Prasad.
6. S. Alaudeen.
7. V. Sankaran.
8. P. Perieswamy.
9. V. Tagore.
10. K. S. Narayanan.
11. N. Manickam.
12. S. V. Adimoolam.
13. Chandran.
14. A. Susainathan.
15. S. K. Vaithyanathan.

If not, to what relief are the workmen concerned entitled ?"

[No. L-12011/49/78-D.I.I.A.]

New Delhi, the 2nd June, 1979

S.O. 2082.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Bombay in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen over discontinuing payment of Goa Allowance to the workmen employed in the Banks branches in the Territory of Goa, which was received by the Central Government on 28-5-79.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/2 of 1978

PARTIES :

Employers in Relation to the Management of the State Bank of India, Goa Branches

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri D. Shroff, Advocate.

For the Workmen—Shri J. G. Gadkari, Advocate

INDUSTRY—Banking

STATE—Maharashtra

Bombay, dated the 7th May, 1979.

AWARD

1. The Government of India, in the Ministry of Labour acting in exercise of the powers conferred upon them under Section 10(1)(d) of the Industrial Disputes Act, 14 of 1947 have referred the following dispute to this Tribunal for adjudication as per their Order No. F. No. L-12011/49/77-D.I.I.A dated 20th March, 1978.

"Whether the action of the management of the State Bank of India in discontinuing the payment of Goa Allowance to their workmen employed in the Banks Branches located in the Territory of Goa, with effect from 1-7-77 is legal and justified ? If not, to what relief are the workmen concerned entitled ?

2. The Local Secretaries, State Bank of India and Subsidiary Banks Employees' Union have filed a statement of claim on behalf of the workmen herein who are all employees of the State Bank of India working in its several branches within the union territory of Goa. Soon after the liberation of Goa from the Portuguese rule in 1962 State Bank of India stepped into that territory to carry on Banking operations. They started paying their employees an allowance known as Goa allowance at the rate of Rs. 150 per month for officers, Rs. 90 per month for Clerical and Cash Department Staff and Rs. 60 per month for the subordinate staff. This allowance because part of the Bipartite agreements entered into between the State Bank of India (for the sake of brevity hereinafter called the Bank or SBI) and the All India SBI Staff Federation dated 31-3-1967 and 31-12-1972. The payment of this allowance was subject to review by both the parties. The State Bank of India acting unilaterally decided to withdraw this allowance in four equal annual instalments: commencing from 1-7-1977. The workmen complain that even if the bank is entitled to unilaterally withdraw the allowance they should have been taken into confidence and the reasons that prompted the Bank to withdraw disclosed. In the absence of any reasons justifying this unilateral action it is submitted that the action of the Bank should be held to be illegal and improper. While conceding that the Bipartite agreement dated 31-3-1967 is still in force the workmen dispute the right of the bank to withdraw the Goa Allowance without their consent. They further contend even if the Bank has such a right to unilaterally withdraw the allowance still they should have given a notice of change under Section 9(A) before withdrawing the said allowance. In the absence of such a notice the action of the bank cannot be upheld. While contending that it is the bank that should establish a case for the withdrawal of Goa Allowance the workmen submit that the living conditions in Goa far from changing for the better have justified the continuance of this allowance even beyond 1-7-1977. They call upon the bank to place before the Tribunal the periodical reviews made by them from 1967 till 1977 regarding the continuance of this allowance.

They further submit that unless the bank establishes that on account of a heavy financial set back they are unable to continue payment of this allowance they cannot proceed to withdraw the same. They say that the State Bank has not suffered any such financial incapacity justifying withdrawal of this allowance. They say that this unilateral withdrawal of this allowance is an emergency excess and that it should be corrected.

3. The Chief General Manager of the State Bank of India has filed a written statement stating that as per the terms of the Bipartite Settlements dated 31-3-1967 and 31-12-1972 they have got a vested right to periodically review the payment of Goa Allowance. The right of review implies the power to withdraw and in exercise of that power they have withdrawn that allowance. They say the Bank has vested right to unilaterally withdraw the allowance. It is submitted that the present demand is virtually for payment of this allowance. They submit that under para 15.2 of the Bipartite Settlement between the State Bank of India and the Federation dated 31-12-1972 the workmen are precluded from making any further demand on the Bank involving financial outlay except under emergent circumstances. The workmen not having raised such a demand in terms of Clause 15.2 of the Settlement the Bank submits that this demand of theirs is not tenable. They further submit that the Federation of which the State Bank of India and Subsidiary Banks 'Employees' Union is a member having accepted the position that the State Bank of India was competent to unilaterally discontinue payment of this allowance and in fact agreed to the phased manner in which that allowance should be withdrawn, the said agreement is binding on its affiliate namely, the Bank Employees' Union Goa. The Bank Employees' Union cannot be heard to disown the agreement entered into by the Federation with the Bank. They say that soon after the liberation in 1962 the Goa Allowance was paid to such of those members who were transferred to Goa from the branches outside the Union territory as a sort of a special inducement in view of the unsettled conditions prevailing there soon after the change-over. There was an influx of Indian Nationals from all parts of India for reasons of business or occupation making the living conditions there difficult. The Central Government also paid this allowance to its employees who went to serve in this Union territory on deputation. Since the passage of time and the integration of the territory into the main stream of the rest of the country the Bank felt that there was no longer any need to continue this allowance. The terms and conditions of service of the State Bank of India staff were revised from time to time following the industrywise Awards and the Settlements in the rest of the Banking industry. It was felt that it would be discriminatory to continue the Goa Allowance when conditions of work in the whole of the country were taken into account and reflected in the Bipartite Settlements. These considerations it is submitted prompted the Bank to discontinue this allowance with effect from 1-7-1977. They also take the stand that as the decision to withdraw the allowance is done in terms of the Settlement entered into between the Federation and the Bank there was no need to issue notice of change under Section 9(A) of the Industrial Disputes Act. They once again assert that they are the sole arbiters in the matter of the continuance of Goa Allowance. They also say that since the Bank is authorised to unilaterally withdraw this allowance the workmen cannot question the Bank's right to do so or ask the Bank to submit the reasons or justification that prompted it to do so. They say that the reasons that prompted the Bank to discontinue the allowance are not justifiable.

4. The Union filed a rejoinder to the Written Statement filed by the bank. They deny the Bank's assertion that the Federation conceded the Bank's right to unilaterally withdraw the allowance or the fact of the Federation having agreed to the Bank discontinuing the allowance in a phased manner. They further stated that this Goa Allowance was not only paid to the Bank staff posted to Goa from outside the Union territory but also to the employees of the former 'Banco Nacional Ultramarino'. This privilege was further extended to the members of the staff locally recruited after the date of liberation. They say that the justification for the grant of this special allowance in 1962 was a sudden spurt in the prices. This condition it is submitted still prevails. They say that the trend of fall in prices is not discernible in the near future. They submit that the price level in Goa has remained unusually high compared to other parts of the country as most of the consumer goods other than rice and cocoanuts

are to be imported from the rest of the country. The cost of transport in Goa is said to be much higher than in any other parts of the country. Goa being a tourist centre the heavy influx of the tourist population tends to push up the price level of all commodities. They dispute the statement made by the Bank that the grounds on which the allowance has been stopped are not justifiable.

5. The Bank filed a rejoinder to the claim statement filed by the workmen. The Bank denies the averment that the Goa allowance has been withdrawn without following proper procedure or without any justification. They say the burden of proving that the withdrawal of Goa Allowance is not justified is not on the Bank. According to them the party at whose instance this dispute is referred for adjudication has to prove its case namely that there is no justification for the withdrawal of this allowance. They say that no notice under Section 9(A) is necessary because there is no change or alteration in any condition of service. On the other hand they contend that the Bank has acted upon the very conditions of service. They say that their action in withdrawing the allowance is bona-fide. They deny the allegation that it is an Emergency excess.

6. On the above pleadings the following issues arise for consideration :

- (i) Whether the Bipartite Settlements dated 31-3-1967 and 31-12-1972 confer a right on the Bank of unilaterally withdraw the Goa Allowance ?
- (ii) Whether the Federation has conceded the right of the Bank to unilaterally withdraw the allowance and if so whether the State Bank Employees' Union are bound by that concession ?
- (iii) Even if the bank has such a vested right whether there is any justification for the withdrawal of that allowance ?
- (iv) To what relief ?

For the Union W.W. 1 Mr. H. Cabral a teller of the Bank working at Servordem Branch is examined. Mr. Shroff for the Bank of India took over former 'Banco Nacional Ultramarino' of W.W.1 is not of much assistance for the disposal of this case.

Issue (i)

7. Soon after the liberation of Goa in 1962 the State Bank of India took over former 'Banco Nacional Ultramarino' and started Banking operations in that territory. In view of the unsettled conditions prevailing in that territory soon after the change in administration and the sudden influx of population from the rest of the country the living conditions in Goa became difficult. In order to induce members of their staff working outside the Union territory of Goa to serve in Goa the Bank had to offer some inducements in the shape of special allowance known as Goa allowance. It was Rs. 150 in the case of Officers, Rs. 90 per month for Clerical and Cash Department Staff and Rs. 60 per month for the subordinate staff. This allowance was extended to the members of the former 'Banco Nacional Ultramarino' right from 1962. In the year 1965 the benefit of this allowance was further extended to the locally recruited candidates also. The Bank continued to pay this allowance till 31-3-67 when this allowance was included as one of the conditions of service in the Bipartite Settlement arrived at between the State Bank of India Management and the All India SBI Staff Federation. Clause 5.16 of that Bipartite Settlement of 1967 reads as follows :

The allowances set out in the Annexure to this Chapter in respect of places and or posts stated therein shall continue to be paid subject to the terms and conditions and periodical review as at present.

In the annexure appearing at page 20 of that Settlement Items 5 deals with Goa allowance. Item 6 deals with Daman allowance and the said allowance in both the cases is subject to review half-yearly. In the Bipartite Settlement entered into on 31-12-1972 para 5.20 which deals with the subject reads exactly as para 5.16 of the 1967 agreement extracted above. Items 5 and 6 in the annexure at page 24 of the Settlement deal with the allowance payable to the Employees serving in Goa and Daman. While in the 1967 agreement this allowance was subject to half-yearly review in the 1972 Settlement it

was merely said "subject to review" without indicating the Periodicity of the review. It is common case that the term of these agreements has come to an end but they are not terminated thereafter in the manner prescribed under Section 19 of the Industrial Disputes Act. Both the parties agree that the terms of these Bipartite Settlements are still binding on them. While so, on 2-11-1976 the Bank issued a notice to the Secretary of All India SBI Staff Federation (hereinafter referred to as the Federation) informing them that in view of the settled conditions prevailing in Goa and the prices prevailing in that territory not being higher than the prices prevailing at other places, they proposed to withdraw the payment of that allowance with effect from 1-12-1976. Further they added that this allowance would continue to be paid at Panjim on a temporary basis as at present and the matter would be reviewed some time in 1977. As the allowance was being paid on a review basis the same was proposed to be withdraw with effect from the said date. After consulting the Federation regarding the mode and manner of withdrawal of this allowance, the Bank decided to phase it out in four equal annual instalments commencing from 1-7-1977. The first instalment of deduction was made with effect from 1-7-1977. The State Bank of India and Subsidiary Bank Employees Union, Goa questions the right of the Bank to unilaterally withdraw this allowance. According to them under para 5.20 of the Bipartite Settlement 1972, the Bank is obliged to obtain the consent of the Federation before deciding to withdraw the allowance. The Bank maintains that under para 5.20 they have got the absolute right to unilaterally review the continuance of the Goa Allowance. Under this issue it has to be seen whether the stand taken by the Bank is justified. Para 5.20 reads as follows :

The allowances set out in the Annexure to this Chapter in respect of places and or posts stated therein shall continue to be paid subject to the terms and conditions and periodical review as at present.

The contention of the Bank is that because the party paying the allowance under the above clause is the Bank the right to review the continuance of such payment should also solely vest in them. It is also argued that wherever the Bank was obliged to act with the consent of the other party it is clearly provided for in the Settlement. Reference is made to para 9 of Chapter 15 of 1972 Settlement which provides for such a contingency. There is absolutely no material, not even an averment to show that during these ten years when this Clause 5.16 (of 1967 agreement) and 5.20 (of 1972 agreement) were in force (i.e. from 1967 to 1977) the Bank has even attempted to exercise this right of review, without the consent of the Federation, to the detriment of the workmen. The quantum of allowance introduced in 1962 remained constant till the date it was decided to be withdrawn. It is not disputed by Shri Gadkari for the Union that the right of review implies the right to withdraw the allowance altogether. The only point in controversy is whether para 5.20 confers a right upon the Bank to withdraw the allowance at its sole discretion without any reference whatsoever to the Federation. Mr. Gadkari for the Union argues that if the payment of Goa Allowance had not been made a service condition in the Bipartite Settlement the Bank would have been obliged to issue a notice under Section 9(A) of the Industrial Disputes Act before proceeding to stop payment of that allowance. He says the employees would not have agreed to place themselves in a worse position by this Goa Allowance being incorporated as a condition of service in the Bipartite Settlement. It is also argued that when the representatives of the Management and the Labour met as equal partners to draft the terms of Settlement in 1967 and again in 1972 it is most inconceivable, that the Labour should have absolutely abdicated its power to have a say in the matter of altering the term relating to continuance of payment of Goa Allowance to the detriment of the workmen and left it to the sole discretion of the Bank. On a very careful reading of para 5.20 I am not in a position to agree that under it the right of review is solely vested in the Bank without reference to the Federation. In the absence of words unambiguously indicating that the right to withdraw the allowance solely vests in the bank, the construction sought to be placed on para 5.20 of the Settlement by Shri Shroff cannot be accepted.

8. Reference is also made to certain passages in Maxwell on interpretation of Statutes, 12th edition, at pages 36, 39 and 47 and carries on Statute Law at page 105 for the purpose of

showing as to how para 5.20 has to be interpreted and understood. It is said that if para 5.20 is to be interpreted as meaning that the right of review contemplated in that para should be by both the parties as contended by the Union it would render a term of the settlement otiose or redundant. I do not see how the construction put upon by the Union on para 5.20 renders the term of the settlement otiose or redundant. As already stated to accept the Bank's contention that the right of review solely vests in it, some more words may have to be supplied to make that meaning clear.

9. Issue (i) accordingly answered against the Bank.

Issue (ii):

10. Shri Shroff argues that the Federation itself conceded the fact that the right of review of this Goa Allowance is vested solely in the Bank. He invites attention to the letter dated 24-3-1977 addressed by the Secretary of the Federation to the Chief Officer (Personnel). Reliance is placed upon the following passage in this letter in support of this argument :

"..... We concede that it is nobody's case that an allowance, once granted, cannot ever be withdrawn—particularly those which are granted to meet some emergent situation—but the least the management is expected to do in such cases is to bring about a document showing the circumstances which warranted payment of the allowance and the material changes in the current situation which postulate discontinuance thereof."

A reading of the entire letter shows that the Federation has not conceded this right of the Bank. In the next few lines immediately thereafter the Secretary of the Federation says that :

"We firmly hold that the Management should not arrogate to itself an absolute liberty to unilaterally reduce the wages of the employees without discharging its rudimentary obligations to present a bona fide case."

He also suggested that the decision to withdraw the allowance should be included as an item for discussion at the next Bipartite meeting and meanwhile the decision to withdraw the allowance deferred. Even from para 1 of this letter it appears that the Bank originally intended to place this proposal to withdraw the allowance at the Bipartite meeting held in November, 1976. However, this item was withdrawn from the Agenda by the management saying that this question was still under consideration and if ultimately they decided to withdraw the allowance the matter would be "formally" discussed with the Federation before effecting any change. Again reliance is placed on the letter addressed by the Secretary of the Federation to the Bank on 11-8-1977 to show that the Union never disputed the Bank's right to act unilaterally in withholding the allowance. It is argued on the basis of this letter that the Federation had agreed to the Bank withdrawing the allowance, unilaterally. In its letter the Federation states that the question of withdrawal of Goa Allowance by stages was decided upon "in a particular context and within certain constraints". It is said that the management informed the Federation that they were helpless in the matter of withdrawing payment of Goa Allowance in view of the stand taken by the Indian Banks Association of which the State Bank of India was a member. The Bank stated that the withdrawal of the allowance was therefore not open for negotiation but only the mode and manner of withdrawal could be negotiated. In the circumstances, the Federation had to remain content with requesting the Bank to mitigate the rigour of their action by phasing out the allowance in stages". I am unable to agree with the contention that the Secretary of the Federation in his letters dated 24-3-1977 and 11-8-1977 conceded the Bank's sole right to withdraw this allowance at their discretion. Nor did he without demur agreed to the Bank withdrawing the allowance by stages.

11. Shri Gadkari does not dispute the fact that if the Federation in fact conceded the Bank's right to withdraw this allowance acting in their discretion, it may not be open to the Goa unit of that Federation to challenge its action. Since no such concession appears to have been made in the letters relied upon by the learned counsel for the Bank this question does not arise. Issue (ii) held accordingly.

Issue (iii)

12. The order of reference requires this Court to answer the question whether the withdrawal of Goa allowance is legal and justified. Even if the Bank has got an overriding authority to withdraw the allowance without reference to the Union still they have got to show that the action taken by them is justified. If there is no justification the action of the Bank though legal should be characterised as unjustified. In para 4 of the statement of claim the Union says that as per the terms of the reference it is for the Bank to show that their action in withdrawing this allowance is justified. It is also stated that the grounds, that prompted the Bank to withdraw the allowance are within the special knowledge of the Bank and therefore they should disclose the said information in justification of their action. The Bank in para 4 of its written statement stated that the Federation having agreed to the manner of phasing the discontinuance of the allowance it is not open to the workmen herein to question the Bank's right to discontinue payment of that allowance or to ask the Bank to disclose the reasons or justification for such discontinuance. It is further submitted that the reasons that weighed with the Bank to discontinue the allowance are not justifiable. In para 4 of the rejoinder the Bank took the stand that since this dispute has been referred to adjudication at the instance of the workmen they say that as per settled law it is upto the workmen who have invoked the Jurisdiction of the Court to justify the exercise of that Court's jurisdiction.

13. Neither party has adduced any evidence on the question whether the withdrawal of the Goa Allowance is justified. In the absence of such evidence Shri Shroff submits that since the workmen have failed to discharge the initial burden resting on them this issue should be answered against them. I do not agree. The Bank which was paying this Goa allowance from 1962 till June, 1977 had chosen to stop that payment with effect from 1-7-1977. The reasons that prompted the Bank to take such an action are within their special knowledge and it is up to them to justify their action by placing all the relevant facts before the Court. It is not for the workmen to lead evidence to say that there was no justification for such withdrawal of the allowance. Some reasons are given in para 4 of the Bank's rejoinder justifying the withdrawal of the allowance but there should be some evidence in support of this plea. On the side of the workmen a photostat copy of the consumer price index number for Industrial workers (Labour Class) in Goa for 1971 June to July, 1976 is filed. This shows that there is a steady upward rise in the general index, food index, Pansupari, Tobacco and Intoxicants index, fuel and light index and clothing, bedding and footwear index from 1971 to 1976. The source of this information is said to be the Labour Bureau, Simla. This index is confined to Goa region only. There is nothing to show that while the prices in the rest of the country were remaining steady or rising less rapidly the prices in Goa were soaring high. In the absence of such comparative information this consumer price index is not of much value. I hold that the initial burden of proving the existence of circumstances justifying the withdrawal of

the allowance is on the Bank. This question is of academic importance only in view of the finding on Issue (i). Issue (iii) found accordingly.

14. The plea that the withdrawal of the Goa allowance is an emergency excess is not pressed.

15. Before concluding it must be stated that Shri Shroff for the Bank has addressed arguments on the following points :

- (a) Whether the discontinuation of Goa allowance was in the exercise of or pursuant to the Bank's vested right to withdraw the allowance unilaterally under the **settlement dated 31st December, 1972** ?
- (b) Whether the Order of Reference dated 20th March, 1978 is bad in law as no notice of termination of the settlement dated 31st December, 1972 has been given in accordance with section 19 of the Industrial Disputes Act, 1947 read with clause 15.3 of the settlement dated 31st December, 1972 ?
- (c) Whether the effect of granting the Union's demand is to violate the provisions of clause 15.2 of the settlement dated 31st December, 1972 ?
- (d) Whether the All India State Bank of India Staff Federation which is a party to the settlement dated 31st December, 1972 and to which Federation the Union of the workmen espousing the present dispute is affiliated, having accepted and agreed and/or not questioned the Bank's right to discontinue payment of Goa allowance in a phased manner in four equal instalments, the workmen and/or the Union are estopped and/or precluded from raising the above dispute.
- (e) Whether the Union's case of victimisation and/or mala fides has been adequately pleaded and/or proved ?

16. Point (a) is covered by issue (i). Point (d) is conceded by Shri Gadkari for the Union. He says that if there is material to show that the Federation has in fact conceded the Bank's right to discontinue the allowance without reference to it and has in fact agreed to the action taken by the Bank, the Union is bound by it. I consider it unnecessary to discuss issues (ii), (iii) and (v) since they do not arise in view of my finding on issue (i).

Issue (iv)

17. In the result it is held that the action of the Management of the State Bank of India in discontinuing the payment of Goa allowance to their workmen employed in the Bank's Branch located in the Territory of Goa with effect from 1-7-1977 is not legal or justified. It follows that the workmen are entitled to be paid this allowance even beyond 1-7-1977 till such time as it is withdrawn legally and for justifiable reasons.

This Reference is accordingly answered.

P. RAMAKRISHNA, Presiding Officer
[No. L-12011/49/77-D.II.A]

APPENDIX OF EVIDENCE IN REFERENCE NO. CGIT-2/2 of 1978

For The Workmen
ORAL EVIDENCE

S. No.	Name of witness	Exhibit No.
1.	Shri H. Cabral	WW-I
	Documentary evidence Nil	
	For The Employers ORAL EVIDENCE-Nil	
	Documentary Evidence	
1.	Printed copy of settlement dated 31-12-72 between the Bank and its workmen.	Ex. E-1
2.	Printed copy of settlement dated 31-3-1967 between the Bank and its workmen.	E-2
3.	Office copy of the Bank's letter dated 1-11-1976 addressed to the All India State Bank Officers' Federation.	E-3
4.	Office copy of the Bank's letter dated 2-11-76 addressed to the All India State Bank of India Staff Federation.	E-4
5.	Original letter dated 24-3-1977 addressed to the Bank by the All India State Bank of India Staff Federation.	E-5
6.	Office copy of Bank's letter dated 15-4-1977 addressed to the All India State Bank of India Staff Federation.	E-6
7.	Office copy of Bank's letter dated 13-6-1977 addressed to the All India State Bank of India Staff Federation.	E-7

8. Office copy of Bank's letter dated 29-7-1977 addressed to the All India State Bank of India Staff Federation.	E-8
9. Original letter dated 11-8-1977 addressed to the Bank by the All India State Bank of India Staff Federation.	E-9
10. Original letter dated 15-2-1977 addressed to the Chief General Manager by the Deputy Managing Director of the Bank together with its enclosures.	E-10
11. Copy of notice of phased withdrawal of Goa Allowance	E-11
12. Original letter dated 13-6-1977 addressed to the Chief General Manager by Dy. Managing Director	E-12
13. Copy of letter dated 13-6-1977 addressed to the Secretary, All India State Bank of India Staff Federation, Calcutta by the Chief Officer (Personnel).	E-13

S.O. 2083.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Bombay in the industrial dispute between the employers in relation to the management of Vijaya Bank Limited, Bombay and Shri Sadashiv S. Shetty, Clerk over transfer from Bandra Branch to Dombivli Branch of the Bank, which was received by the Central Government on the 28-5-79.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY
Reference No. CGIT-2/1 of 1979

PARTIES :

Employers in relation to the Management of Vijaya Bank Limited, Bombay.

AND

Their workman Shri Sadashiv S. Shetty.

APPEARANCES :

For the Employers.—Shri C. V. Pawaskar, Labour Adviser.

For the Workman.—Shri S. M. Dharap, Advocate.

Industry : Banking State : Maharashtra

Bombay, the 8th May, 1979.

AWARD

1. The Government of India, in the Ministry of Labour in exercise of the powers conferred upon them under Section 10(1)(d) of the Industrial Disputes Act (14 of 1947) as per their order No. L-12012/102/78-DIIA dated 23-1-1979 have referred the following industrial dispute for adjudication:

'Whether the proposed action of the management of Vijaya Bank Limited, Bombay in transferring Shri Sadashiv S. Shetty, Clerk from Bandra Branch to Dombivli Branch of the Bank is justified? If not to what relief is the workman concerned entitled?'

2. The Vice-President of the Vijaya Bank Employees' Association has filed a statement of claim on behalf of Shri Sadashiv S. Shetty. He says that Shri Sadashiv S. Shetty (hereinafter referred to as the workman) a Clerk in the Vijaya Bank was working in its Bandra branch in July, 1978. As the workman happened to be an active member of the Employees' Association the Branch Manager was ill-disposed towards him. In order to curb the trade Union activities of the workman the Branch Manager persuaded the Personnel Manager, Bangalore, to reduce the strength of the Bandra staff by two clerical posts. Consequent upon this order of reduction in staff he transferred the workman to Dombivli Branch though there were other persons junior to him at the Bandra Branch. This order was issued when the workman was on sick leave. After the expiry of the leave the workman reported himself for duty at Bandra but the Manager refused to permit him to do so. It is also complained that the work man has not been paid his legitimate due such as leave salary other benefits till the date of the claim statement namely, 23-3-1979. It is further submitted that the transfer to Dombivli Branch will work out a great hardship on the workman herein, his place of residence being Vile Parle. It is also stated that the transfer of the workman to Dombivli Branch is against the provisions of the Shastri Award. It is prayed that this Tribunal may hold the transfer of the workman from Bandra Branch to Dombivli Branch as illegal, mala fide and that the Bank may be directed to recall the said order of transfer.

3. The Management filed a written statement taking the plea that this reference is not maintainable for the reason that no demand for cancellation of the order of transfer was ever made before the management either by the workman or by the Union prior to the date of reference. They also take the plea that the Union is not competent to take up the cause of the workman. They say that the reduction of staff at Dombivli Branch and the subsequent transfer of the workman from Bandra to Dombivli Branch are justified. It is submitted the five persons junior to the workman herein could not be transferred to Dombivli because they were clerks on probation. As Dombivli Branch required an experienced Clerk the workman herein had to be shifted. When the Bank sought to serve the order of transfer he refused to accept the same whereupon he was transferred to Dombivli Branch with immediate effect. They pray that this reference may be rejected.

4. On 23-3-1979 on behalf of the workman an Interlocutory Application was filed praying the Court to grant an Interim Order suspending the order of transfer of the workman from Bandra to Dombivli Branch, and to allow him to resume his duty at Bandra. The matter was posted to 17-4-1979 for the Management's reply to this I.A. The matter was adjourned to 26-4-1979 for settlement. On 26-4-1979 the Court suggested that the parties should settle the dispute amicably by the Bank agreeing to transfer the workman from Dombivli Branch to any other Branch nearer his place of residence on the workman agreeing to report himself for duty at Dombivli Branch and working there for a period of three months. Both the parties took time till 3-5-1979 to consider the proposal put forward by the Court. On 3-5-1979 the learned Advocate for the Bank submitted that the Bank would consider the question of shifting the workman from Dombivli Branch to any other Branch nearer his place of residence provided he served at Dombivli Branch for a period of six months. This proposal the workman was not prepared to accept. The Court then requested the learned Advocate for the Bank to suggest to the higher authorities at Bangalore to reconsider their decision. On 9-5-1979 the learned Advocate for the Bank submitted that the Bank was agreeable to transfer the workman from Dombivli on his serving there for a period of three months. Shri Dharap for the workman accepted the proposal.

5. The terms of this amicable settlement of dispute are reduced to writing and signed by both the parties. On behalf of the workman the Vice President of the Vijaya Bank Employees' Association signed the memo of settlement along with the workman. On behalf of the Bank Shri S. C. Paul, Regional Manager, Bombay has appended his signature. Both the parties admitted the terms of settlement and requested the Court to pass an Award in terms thereof.

6. This reference is accordingly answered in terms of the settlement entered into between the parties on 9-5-1979. A copy of the settlement annexed hereto may be read as part of this Award.

A.RD/16-5-1979.

P. RAMAKRISHNA, Presiding Officer
BETWEEN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL COURT NO. II, AT BOMBAY
Reference No. CGIT-2/1 of 1979

BETWEEN
Employees in relation to the Management of Vijaya Bank Limited, Bombay
AND
Their workman.

MAY IT PLEASE THE HONOURABLE TRIBUNAL

The parties above named, have reached the following settlement in the above-mentioned matter and pray that an award be made in terms thereof.

Terms of Settlement

It is agreed between the parties as under :—

- That the order of transfer dated 2-11-78 transferring Shri Sadashiv S. Shetty (hereinafter referred to as the "workman") to the Dombivli branch, due to exigencies of work, shall stand.
- That the workman shall report for work at the Dombivli branch not later than 23-5-79.
- That in view of the difficulties explained by the workman, as a special case, the management agrees to transfer him to any one of its Branches at Bombay within 90 days from the date of his joining at Dombivli branch.
- That this arrangement shall not be cited as a precedent in future in any manner.
- That in consideration of the settlement, all proceedings in relation to transfer shall stand concluded.

For the workman

Sd/-

Vice-President
V.B.E.A.

For the Vijaya Bank Limited,

Sd/-

(S. C. Paul)
(Bombay)

Sd/-
(Sadashiv Shetty)

BOMBAY :

Dated : 9-5-79.

[No. L-12012/102/78-D. II A.]

New Delhi, the 6th June, 1979

S.O. 2084.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Bombay in respect of complaint under section 33A of the said Act filed by Shri Sadashiv S. Reddy against Vijaya Bank Ltd., which was received by the Central Government on the 28th May, 1979.

BEFORE THE CENTRAL GOVERNMENT LABOUR

COURT NO. 2, BOMBAY

Complaint No. CGIT-2/1 of 1979

Arising out of Reference No. CGIT-2/1 of 1979

PARTIES :

Shri Sadashiv S. Shetty—Complainant.

V/s.

M/s. Vijaya Bank Limited—Respondent.

APPEARANCES :

For the Complainant—Shri S. M. Dharap, Advocate.

For the Respondent—Shri C. V. Pavaskar, Labour Adviser.

INDUSTRY : Banking

STATE : Maharashtra

Bombay, the 9th May, 1979

AWARD

1. This is complaint under Section 33A of the Industrial Disputes Act (14 of 1947) praying the Court to direct the Respondent Bank to sanction leave due to the complainant as prayed for by him in his application dated 1-1-1979, to direct the Respondent Bank to maintain the status quo ante and to allow the complainant to resume duty at Bandra Branch, to direct the Bank to pay the complainant his salary from the month of November, 1978 till the date of his joining duty at Bandra Branch and to treat the complainant as having been on duty from 1-2-1979 etc.

This complaint arises out of Reference No. 1 of 1979.

2. The complainant and the Vice-President of the Vijaya Bank Employees' Association filed a memo on 9-5-1979 stating that in view of the settlement reached between the parties in Reference No. CGIT-2/1 of 1979 this complaint is not being pressed and that the same may be disposed of accordingly.

In the result this complaint is dismissed as having been withdrawn.

P. RAMAKRISHNA, Presiding Officer

[No. L-12012/102/78-D. II.A.]

S. K. MUKERJEE, Under Secy.

Dated : 16-5-1979.

प्रादेश

नई दिल्ली 23 मई, 1979

काठा 2085.—इससे उपायद मन्त्री में विनियोग औद्योगिक विवाद श्री सी० एल० नरसिंहा राव, पीठासीन अधिकारी, औद्योगिक अधिकारण, हैदराबाद के समक्ष लंबित पड़े हैं;

और श्री सी० एल० नरसिंहा राव की सेवाएँ अब उपलब्ध नहीं हैं;

अतः, प्रति, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की घारा 33-वा की उपधारा (i) के माय पठिन घारा 7 क द्वारा प्रदत गविन्दों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकारण गठित करती है जिसके पीठासीन अधिकारी श्री जी० सशांतिर रेडी होंगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त श्री सी० एल० नरसिंहा राव, पीठासीन अधिकारी, औद्योगिक अधिकारण, हैदराबाद, के समक्ष लंबित उक्त विवाद से संबद्ध कार्यालयों की वापस लेनी है और उसे श्री जी० सदाशिव रेडी, पीठासीन अधिकारी औद्योगिक अधिकारण, हैदराबाद को इस निदेश के साथ स्थानांतरित करती है कि उक्त अधिकारण आगे कार्यालयी उम्प्रक्षम से करेगा, जिस पर वह उसे स्थानांतरित की जाए तथा विधि के अनुसार उसका निपटान करेगा।

प्रतिपत्ति

केन्द्रीय सरकार के ग्रौष्ठोगिक विवाद और सम्बित पड़े हैं

क्रमांक	ग्रौष्ठोगिक विवाद	आदेश संख्या और तारीख	पक्षकारों के नाम
1	2	में	3
1.	19/77	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-42011 (18)/ 76-डी०-२ (बी) विनांक 8-8-1976	भारतीय आद्य निगम, विश्वासापत्रनम के कर्मकार और प्रबन्धनतंत्र मैसरी एसोसिएटिड सीमेंट कंपनीज लि०, मनवेरियल (ग्रीलालाबाद जिला) के कर्मकार और प्रबन्धनतंत्र कल्याण रामा माइका माइन, कालिचेडू, जिला नेल्लूर के कर्मकार और प्रबन्धनतंत्र
2.	26/77	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-29011/50/76-डी०-४ (बी०) दिनांक 23-11-1977	श्री कल्याण राम अम्बुक खान, कालिचेडू रापर ताल्लुक नेल्लूर जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबन्धनतंत्र
3.	4/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-28012/2/77-डी०-३ (बी०), दिनांक 2-2-1978	मिगरेनी कोलियरीज कंपनी लि०, रामाकृष्णपुर डिवी-जन, भद्रीलालाबाद जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबन्धनतंत्र
4.	7/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-28012/4/77-डी०-३ (बी०), दिनांक 21-2-1978	श्री कोवनडमा बेरी माइन, शंबरम, आम विजामूर, डाकखाना प्रदेशिरी ताल्लुक, नेल्लूर के कर्मकार और प्रबन्धनतंत्र
5.	8/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-21011/1/77-डी०-४ (बी०), दिनांक 20-3-1978	इंडियन प्यरलाइन्स, हैवरगांधार के कर्मकार और प्रबन्धनतंत्र
6.	10/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-29012/28/77-डी०-३ (बी०), दिनांक 2-5-1978	श्रमिकगुडाला कापर लैड प्रोजेक्ट, बन्डालामोटू, जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबन्धनतंत्र
7.	11/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-11011/3/75-डी०-२ (बी०) विनांक 5-5-1978	भारतीय आद्य निगम की माइन राइस मिल, सेतनापासी के कर्मकार और प्रबन्धनतंत्र
8.	14/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-43011/4/77-डी०-३ (बी०) विनांक 3-6-1978	श्रमिकगुडाला कापर लैड प्रोजेक्ट, बन्डालामोटू, गुन्टूर जिला के कर्मकार और प्रबन्धनतंत्र
9.	15/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-43011/17/77-डी०-२ (बी०), विनांक 31-5-1978	श्री कल्याण रामा माइका माइन, कालिचेडू, नेल्लूर जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबन्धनतंत्र
10.	16/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-43012/7/77-डी०-३ (बी०), विनांक 1-6-1978	श्रमिकगुडाला कापर लैड प्रोजेक्ट, बन्डालामोटू, नेल्लूर जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबन्धनतंत्र
11.	17/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-28011/4/76-डी०-४ (बी०) डी०-३ (बी०) विनांक 31-5-1978	श्री कल्याण रामा माइका माइन, कालिचेडू, नेल्लूर जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबन्धनतंत्र
12.	18/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-21012/1/78-डी०-४ (बी०) विनांक 12-7-1978	मिगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी, करीम नगर-जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबन्धनतंत्र
13.	20/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-21012/2/78-डी०-४ (बी०), विनांक 17-8-1978	मिगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी, करीम नगर-जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबन्धनतंत्र
14.	21/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-21012/3/78-डी०-४ (बी०), विनांक 21-8-1978	मिगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी; करीम नगर, जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबन्धनतंत्र
15.	22/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-21012/4/78-डी०-४ (बी०) विनांक 18-8-1978	मिगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी; करीम नगर, जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबन्धनतंत्र
16.	23/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-21012/5/78-डी०-४ (बी०) विनांक 19-8-1978	मिगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी, करीम नगर जिला के कर्मकार और प्रबन्धनतंत्र
17.	24/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-21012/7/78-डी०-४ (बी०) विनांक 19-8-1978	मिगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी, करीम नगर जिला के कर्मकार और प्रबन्धनतंत्र
18.	25/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-21012/8/78-डी०-४ (बी०) विनांक 23-8-1978	मिगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी, करीम नगर जिला के कर्मकार और प्रबन्धनतंत्र
19.	26/78	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-21012/6/78-डी०-४ (बी०) विनांक 31-8-1978	मिगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी, करीम नगर जिला के कर्मकार और प्रबन्धनतंत्र
20.	29/79	श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल-21012/13/78-डी०-१ (बी०) विनांक 13-9-1978	मिगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी, करीम नगर, जिला के कर्मकार और प्रबन्धनतंत्र

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21. 30/78

श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल० 21012/14/78-डी०-4 (शी) दिनांक 13-9-1978

22. 31/78

श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल० 21012/2/77-डी०-4 (बी), दिनांक 3-6-1978 और आदेश संख्या एस० 11025/2/78-डी०-4 (बी) दिनांक 18-9-1978

23. 18/78

श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या -23/28/70 एल० आर०-3 दिनांक 3-1-1971

24. 33/78

श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल० 21012/12/78-डी०-4 (बी) दिनांक 9-10-1978

25. 34/78

श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल० 21012/16/78-डी०-4 (शी) दिनांक 20-10-1978

26. 35/78

श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल० 21012/17/78-डी०-4 (बी) दिनांक 20-10-1978

27. 36/78

श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल० 21012/15/78-डी०-4 (शी) दिनांक 19-10-1978

28. 37/78

श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल० 21012/18/78-डी०-4 (बी) दिनांक 28-10-1978

29. 41/78

श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल० 21012/39/78-डी०-2 (ए) दिनांक 4-12-1978

30. 42/78

श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल० 29011/21/78-डी०-3 (बी) दिनांक 13-12-1978

31. 1/79

श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल० 34019/7/78-डी०-4 (ए) दिनांक 10-1-1979

32. 2/79

श्रम, रोजगार और पुनर्वास मंत्रालय, भारत सरकार, नई दिल्ली का आदेश संख्या एल० 34011/11/78-डी०-4 (ए) दिनांक 8-2-1979

केन्द्रीय सरकार की विविध याचिकाएं जो अनिर्णीत पड़ी हैं

1. आई० डी० 26/77

में

एम० पी० 49/78

श्री सूर्यकांत तोखी (यूक्सिष्ट इंडियर) डी० पी० 3 (बी)। बनाम

2. आई० डी० 37/78

में

एम० पी० 200/78

श्री के० नरसिंहा राव, जनरल मज्जूर, मिगरेनी कोलियरीज बनाम कंपनी नि० डी०-4(बी)

3. आई० डी० 37/78

में

एम० पी० 201/78

श्री बी० सम्पन कुमार, अस्थायी टनल मज्जूर, मिगरेनी बनाम कोलियरीज कंपनी, नि० डी०-4(बी)।

4. आई० डी० 37/78

में

एम० पी० 202/78

श्री ड० एल० एन० एम० प्रभाव, जनरल मज्जूर, मिगरेनी बनाम कोलियरीज कंपनी, नि० डी०-4(बी)।

5. आई० डी० 37/78

में

एम० पी० 203/78

श्री के० विजय कुमार, जनरल मज्जूर, मिगरेनी कोलियरीज बनाम कंपनी नि० डी०-4(बी)।

6. आई० डी० 37/78

में

एम० पी० 2/79

मुहम्मद इक्बाल कुरेशी, अस्थायी टनल मज्जूर, मिगरेनी कोलि-

7. आई० डी० 37/78

में

एम० पी० 3/79

यरीज कंपनी नि० डी०-4(बी)।

एम० पी० 3/79

मुहम्मद नबीमुद्दीन अस्थायी टनल मज्जूर, मिगरेनी कोलि-

एम० पी० 3/79

यरीज कंपनी नि० डी०-4(बी)।

4

मिगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी करीम नगर जिला के कर्मकार और प्रबन्धतंत्र मिगरेनी कोलियरीज कंपनी लि० येनेन्यू कोलियरीज खाना (आन्ध्र प्रदेश) के कर्मकार और प्रबन्धतंत्र आन्ध्र बैंक लिमिटेड, हैदराबाद के कर्मकार और प्रबन्धतंत्र

(आन्ध्र प्रदेश के उच्च न्यायालय द्वारा रिमांड दी गई)

मिगरेनी कोलियरीज कंपनी लि० गोदावरी खानी, रामांड्रम डिवीजन 1, करीमनगर जिला के कर्मकार और प्रबन्धतंत्र

मिगरेनी कोलियरीज कंपनी लि०, शांति खानी बेलम-पल्ली डिवीजन-11, अदीलाबाद जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबन्धतंत्र

मिगरेनी कोलियरीज कंपनी लि०, येनेन्यू कोलियरी, खाना जिला, येनेन्यू (आन्ध्र प्रदेश) के कर्मकार और प्रबन्धतंत्र

मिगरेनी कोलियरीज कंपनी लि०, गोदावरी खानी रामानुजम डिवीजन 11, गोदावरी खानी के कर्मकार और प्रबन्धतंत्र मैनसूर सिंगरेनी कोलियरीज कंपनी लि० बेलमपट्टी डिवीजन-1, शोप्पली माहन अदीलाबाद

जिला (आन्ध्र प्रदेश) के कर्मकार और प्रबन्धतंत्र आन्ध्रीय स्टेट बैंक, हैदराबाद के कर्मकार और प्रबन्धतंत्र

उनके नियोजक विधायापतनम पोर्ट ट्रस्ट, विधायापतनम के कर्मकार और प्रबन्धतंत्र

विधायापतनम पोर्ट ट्रस्ट, विधायापतनम के कर्मकार और प्रबन्धतंत्र विधायापतनम पोर्ट ट्रस्ट, विधायापतनम के कर्मकार और प्रबन्धतंत्र

एसोसिएटिड मीमेंट कंपनी, भन्देश्वर, अशीमा-आद जिला (आन्ध्र प्रदेश) का प्रबन्धतंत्र।

मिगरेनी कोलियरीज कंपनी लिमिटेड बेलमपल्ली डिवीजन, बेलमपल्ली, अदीलाबाद जिला, का प्रबन्धतंत्र।

मिगरेनी कोलियरीज कंपनी लिमिटेड बेलमपल्ली डिवीजन, बेलमपल्ली, अदीलाबाद जिला का प्रबन्धतंत्र।

मिगरेनी कोलियरीज कंपनी लिमिटेड बेलमपल्ली डिवीजन, बेलमपल्ली, अदीलाबाद जिला का प्रबन्धतंत्र।

सिंगरेनी कोलियरीज कंपनी लिमिटेड बेलमपल्ली डिवीजन, बेलमपल्ली, अदीलाबाद जिला का प्रबन्धतंत्र।

सिंगरेनी कोलियरीज कंपनी लिमिटेड, बेलमपल्ली, डिवीजन, बेलमपल्ली, अदीलाबाद जिला का प्रबन्धतंत्र।

सिंगरेनी कोलियरीज कंपनी लिमिटेड, बेलमपल्ली, डिवीजन, बेलमपल्ली, अदीलाबाद जिला का प्रबन्धतंत्र।

सिंगरेनी कोलियरीज कंपनी लि०, बेलमपल्ली डिवीजन, बेलमपल्ली, अदीलाबाद जिला का प्रबन्धतंत्र।

1	2	3	4
8 आई० डी० 42/78 में प्रम० पी० 11/79	चेष्टुल लाइम कंकर कवारी चेन्नूताल के कर्मकार डी० प्र० बनाम -3(बी)।	उनके नियोजक	
9. आई० डी० 19/77 में प्रम० पी० 14/79	श्री पी० एम० नारायण अध्यक्ष वोर्ड व्यवसा यूनियन, ग्रनाम विशाखापत्नम डी० श्र० 2(बी)।	मार्गीय श्राव निगम, विशाखापत्नम का प्रबन्ध- संत्र।	

[फा० संख्या एस-11025/1/79-डी 4(बी)]

राशि भूषण, डेस्क अधिकारी

O R D E R

New Delhi, the 23rd May, 1979

S.O 2085.--Whereas, the industrial disputes specified in the Schedule hereto annexed are pending before Shri C.L. Narasimha Rao the Presiding Officer, Industrial Tribunal, Hyderabad;

And, Whereas, the services of Shri C.L. Narasimha Rao are no longer available;

Now, Therefore, in exercise of the powers conferred by Section 7A read with sub-section(i) of the Section 33B of the Industrial Disputes act, 1947 (14 of 1947), the Central Government hereby constitutes a Tribunal, the Presiding Officer of which shall be Shri G. Sadashiva Reddy, with Headquarters at Hyderabad and withdraw the proceedings in relation to the said disputes pending before the said Shri C.L. Narasimha Rao, Presiding Officer, Industrial Tribunal, Hyderabad with the direction that the said Tribunal shall proceed with the proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE
Central Government's Industrial Disputes Pending

Sl. No.	I.D. No.	No. and date of the order	Name of the parties
1	2	3	4
(1) 19/77		Order No. L-42011(18)/76 D. II (B), dt 8-8-76 from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the management of Food Corporation of India, Visakhapatnam.
(2) 26/77		Order No. L-29011/50/76-D. IV (B) Dt. 23-11-77 from Ministry of Labour Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of M/s. Associated Cement Companies Ltd., Mancherial (Adilabad Dist.).
(3) 4/78		Order No. L-28012/2/77-D. II(B) dt 2-2-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Kalyana Rama Mica Mine, Kalichedu, Dt. Nellore.
(4) 7/78		Order No. L-28012/4/77-D. III(B) dt. 21-2-78 from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Sri Kalyana Rama Mica Mine, Kalichedu, Rapur Taluq, Nellore Distt. Andhra Pradesh.
(5) 8/78		Order F. No. 1-21011/1/77-D. IV (B) dt. 20-3-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Company Limited, Ramakrishnapur Division Adilabad Dist. (A.P.).
(6) 10/78		Order No. L-29012/28/77-D. III(B) dt 2-5-78 from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen & the Management of Sri Kodandarma Barytes Mine, Shankhavaram Village, Vinjamur, P.O. Udayagiri Taluq, Nellore.
(7) 11/78		Order No. L-11011 (3)/75. D.-II (B) dt 5-5-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Indian Airlines, Hyderabad.
(8) 14/78		Order No. L-43011/4/77. D. III (B) dt 3-6-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Agnigundala Copper Lead Project, Bandalamotlu, Guntur District (A.P.)

(1)	(2)	(3)	(4)
(9) 15/78	Order No. L—42011/4/77-D. II(B) dt. 31-5-78 from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen & the Management of Modern Rice Mill of the Food Corporation of India, Settanapalli	
(10) 16/78	Order No. L—43012/7/77. D.—III(B) dt. 1-6-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Agnigundala Copper Lead Project, Bandalamottu, Guntur, District	
(11) 17/78	Order No. L—28011/(4)/76. D.—IV(B) D.—II(B) dt. 31-5-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Sree Kalayana Raju Mica Mine, Kalichedu, Nellore District (A.P.)	
(12) 18/78	Order F. No. L—21012(1)/78 D.—IV (B) dt. 12-7-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen & the Management of Singareni Collieries Co. Ltd., Godavarikhani Karimnagar, Dist. (A.P.)	
(13) 20/78	Order F. No. L—21012(2)/78 D.—IV(B) dt 17-8-78 from Ministry of Labour, Employment & Rehabilitation Government of India, New Delhi.	Workmen & the Management of Singareni Collieries Co., Ltd., Godavarikhani, Karimnagar, Dist. (A.P.)	
(14) 21/78	Order No. L—21012/3/78 D.—IV(B) dt. 21-8-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Co., Ltd., Godavarikhani, Karimnagar Dist. (A.P.)	
(15) 22/78	Order F. No. L—21012(4)/78-D. IV (B) dt. 18-8-78, from Ministry of Labour Employment & Rehabilitation, Govt. of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Godavarikhani, Karimnagar Dist.	
(16) 23/78	Order F. No. L—21012/5/78-D.—IV (B) dt. 19-8-78, from Ministry of Labour, Employment & Rehabilitation, Govt. of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Godavarikhani Karimnagar District.	
(17) 24/78	Order F. No. L—21012/7/78-D.IV(B) dt. 19-8-78, from Ministry of Labour, Employment & Rehabilitation, Govt. of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Godavali-Khani, Karimnagar, Dist.	
(18) 25/78	Order F. No. L—21012/(8)/78-D. IV(B) dt. 23-8-78, from Ministry of Labour, Employment & Rehabilitation Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Yellandu Division Khammam District.	
(19) 26/78	Order F. No. L—21012(6)/78 D.IV(B) dt. 31-8-78 from Ministry of Labour, Employment & Rehabilitation Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Company Ltd., Godavari Khani, Karimnagar Dist.	
(20) 29/78	Order F. No. L—21012(13)/78. D—IV (B) dt. 13-9-78, from Ministry of Labour, Employment & Rehabilitation Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Godavari Khani Karimnagar District.	
(21) 30/78	Order F. No. L—21012(14)/78.D.IV(B) dt. 13-9-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Godavari-Khani, Karimnagar Dist.	
(22) 31/78	Order L—21012(2)/77D.IV(B) dt. 3-6-78 and Order No. S.11025(2)/78-D. IV(B) dt. 18-9-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Company Limited Yellandu, Collieries Khammam Dist. (A.P.).	
(23) 18/71	Order (No. 23/28/70/LR.III) dt. 3-1-71, from Ministry of Labor Employment & Rehabilitation, Government of India, New Delhi. (Remanded by High Court of Andhra Pradesh).	Workmen and the Management of Andhra Bank Limited Hyderabad.	
(24) 33/78	Order F. No. L—21012(12)/78. D—IV (B) 9-10-78, from Ministry of Labour, Employment and Rehabilitation Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Goadavari Khani, Ramagundam Div. I, Karimnagar District.	

(1)	(2)	(3)	(4)
(25)	34/78	Order No. L.—21012(16)/78. D. IV(B) dt. 20-10-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Shanti Khani, Bellampalli Div. II, Adilabad District (A.P.)
(26)	35/78	Order F. No. L.—21012(17)/78—D. IV(B) dt. 20-10-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of Singareni Collieries Co. Ltd., Yellandu Colliery, Khammam District, Yellandu (A.P.)
(27)	36/78	Order No. F. No. L.—21012(15)/78. D. IV(B) dt. 19-10-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi,	Workmen & the Management of Singareni Collieries Co. Ltd., Godavari Khani Ramagundam Division, II Godavari Khani.
(28)	37/78	Order F. No. L.—21012(18)/78. D. IV(B) dt. 28-10-78, from Ministry of Labour, Employment & Rehabilitation, Govt. of India, New Delhi.	Workmen & the Management of M/s. Singareni Collieries Co. Ltd., Belampalli Division, I Boipalli Mine Adilabad District (A.P.)
(29)	41/78	Order No. L. 12012/39/78. D. II(A) dt. 4-12-78, from Ministry of Labour, Employment & Rehabilitation, Government of India, New Delhi.	Workmen and the Management of State Bank of India, Hyderabad
(30)	42/78	Order No. L. 29011/21/78. D. III(B) dt. 13-12-78, from Ministry of Labour, Employment & Rehabilitation, Govt. of India, New Delhi.	Workmen of Chevuturu Lime Kankar Quarry Chevuturu and their employers.
(31)	1/79	Order No. L. 34001(7)/78-D. IV(A) dt. 10-1-79 from, Ministry of Labour, Employment & Rehabilitation, Govt. of India, New Delhi.	Workmen and the Management of Visakhapatnam Port Trust Visakhapatnam.
(32)	2/79	Order No. L. 34011(11)/78. D. IV(A) dt. 8-2-79, from Ministry of Labour, Employment & Rehabilitation, Govt. of India, New Delhi.	Workmen and the Management of Visakhapatnam Port Trust, Visakhapatnam.

Central Government's Miscellaneous Petitions

Pending

(1) M.P. 49/78 in I.D. 26/77	Sri Suryakanth Torvi (Euclid Driver) Vs. The Management of Associated Cement Companies, Mancherial, Adilabad District (A.P.)
(2) M.P. 200/78 in I.D. 37/78	Sri K. Narasimha Rao General Mazdoor, Singareni Collieries Company Limited. D. IV(B).
(3) M.P. 201/78 in I.D. 37/78	Sri Sampath Kumar, Temporary Tunnel Mazdoor, Singareni Collieries Company Limited. D. IV(B).
(4) M.P. 202/78 in I.D. 37/78	Sri E.L.N.S. Prasad, General Mazdoor, Singareni Collieries Company Limited D. IV (B).
(5) M.P. 203/78 in I.D. 37/78	Sri K. Vijaya Kumar, General Mazdoor, Singareni Collieries Co. Ltd., D. IV(B).
(6) M.P. 2/79 in I.D. 57/78	Mohammad Iqbal Qurashi Temporary Tunnel Mazdoor Singareni Collieries Company Limited. D. IV(B)
(7) M.P. 3/79 in I.D. 37/78	Md. Nasimuddin, Temporary Tunnel Mazdoor Singareni Collieries Company Limited. D. IV(B).
(8) M.P. 11/79 in I.D. 42/78	Workmen of Chavuturu Lime Kankar Quarry, Chevuturu D.O. III (B).
(9) M.P. 14/79 in I.D. 19/77	Sri P.S. Naidu, President, Port Khalasis' Union, Visakhapatnam D.O. II(B)

New Delhi, the 6th June, 1979

S.O. 2086.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employer in relation to the management of Ramnagar Colliery of Western Coalfields Limited, Post Office South Jharkhand, District Surguja and their workmen which was received by the Central Government on 3rd June, 1979

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(27)/1978

PARTIES :

Employers in relation to the management of Ramnagar Colliery of Western Coalfields Ltd., P.O. South Jharkhand (Surguja) and their workmen represented through the M.P. Colliery Workers Federation (INTUC), P.O. Jharkhand Colliery, Distt. Surguja (M.P.).

APPEARANCES :

For Union—Shri Gulab Gupta, Advocate.

For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal Mines. DISTRICT : Surguja (M.P.)

AWARD

Dated : May 25, 1979

This is a reference made by the Govt. of India in the Ministry of Labour vide its order no. L.22012/(25)/77-D-IV B, dated 10th May, 1978 for the adjudication of the following industrial dispute.

"Whether the action of the management of Ramnagar Colliery of Western Coal Field limited in dismissing Shri Sewa Singh, Truck Driver from service vide letter No. M/RAM/dismissal/76(24) dated 17-4-1976 is justified? If not, to what relief is the concerned workman entitled?"

(2) Sewa Singh was charged sheeted on two counts.

(i) exchanging shift working with Ram Saran without the permission of the authorities-referable to misconduct under clause 20(c) of the Standing Orders and (ii) dumping coal from incline no. 4 of Ramnagar Colliery through a dumper in nocturnal hours between the night of 13th & 14th February, without permission near the brick kiln of Murari Lal Contractor near quarry no. 1-referable to misconduct under clause 20(a) of the Standing Orders. He was found guilty on both the counts and dismissed from service.

3. Whereas by order dated 13th December 1978, passed by this Tribunal the enquiry was held to be otherwise valid and regular, it was vitiated for omission to consider the evidence an order purporting to be the sanction given by Sub-Area Manager, and the first charge was held to be not established at all.

4. The controversy thereafter centred round the fact whether the coal which was admittedly dumped by the delinquent in the nocturnal hours, with the help of the dumper which he operated, was the one that was covered by the sanction given to Sri Gupta contractor by the Sub-Area Manager or not. Besides that the delinquent challenged that the authority which punished him had no right to do so.

5. The workman raised a specific plea that he was an employee of Central Workshop, North Jharkhand Colliery and was governed by the Standing Orders of that Colliery. He was being paid from Central Workshop from where he was deputed to work in different collieries from where he produced attendance certificate on the basis of which payment was made to him from Central Workshop. Thus he was

neither governed by the Standing Orders of Ramnagar Colliery nor the Manager of that Colliery had any right to dismiss him from service. The management denied all these allegations. The burden was on the workman to establish these facts.

6. He filed the appointment order Ex. W/1 signed by the Area General Manager, according to which he was asked to report for duty with the Staff Officer (E & M) Jharkhand Area office. This fact has been admitted by Shri S. N. Prasad, Senior Personnel Officer, Jharkhand Area M.W.I. He further endorsed the version of Sewa Singh W.W.I, that Shri Adhikari, Staff Officer, had posted him to work in Ramnagar Colliery. According to Sri Prasad regular transfer order was issued but no such order in writing was produced or proved by the management. With the ignorance pleaded by Sri Prasad M.W.I about the working condition of Sewa Singh as to whether he continued to be on the rolls of Central Workshop from where he was deputed to work in various collieries from time to time or from where he drew his pay etc., this oral statement about regular transfer order is not sufficient to rebut the definite testimony of Sewa Singh that it was simply a deputation for the time being subject to fresh order from the Staff Officer at Central Workshop from where he continued to draw his wages after submitting attendance certificate. The best evidence of regular transfer order in writing has been suppressed by the management. The initial order of posting Ex. W/1 read with the oral testimony Sewa Singh W.W.I thus clearly proves that he was the employee of Central Workshop of Jharkhand Area. This fact is further borne out by the fact that vide Ex. M-1A approval of the dismissal order was taken from the Asstt. Chief Personnel Officer of Jharkhand area. He was thus not an employee of Ramnagar Colliery and was not governed by the Standing Orders of that Colliery.

7. Whichever Standing Orders may apply, theft of or dishonesty with the property of the employer shall always be a misconduct whether specified in any Standing Order or not. Thus in respect of this charge it is immaterial whether Sewa Singh was governed by this or that Standing Orders.

8. Even if temporarily, the factum of the posting of Sewa Singh in Ramnagar Colliery did bring him under the disciplinary control of the Manager of that Colliery. Manager was thus entitled to initiate disciplinary action against Sewa Singh. Approval of the order of punishment taken from the Asstt. Chief Personnel Officer Jharkhand Area cured the defect if any. The authority which could take action perused all the papers and approved the action. This would mean that the dismissal order was passed by the competent authority. This plea of the workman about the incompetence of the authority dismissing him has no force.

9. So far as the factual aspect of theft is concerned Sewa Singh never took a stand in his reply to the charge or before Enquiry Officer or in his reply to notice after enquiry Ex. M-7 that he did dump the coal but that was in pursuance of any permission given to Sri Gupta by the Sub-Area Manager. When questioned in cross-examination Sewa Singh could not explain why he omitted to say any thing about the permission letter Ex. W/3 in his reply Ex. M-7 filed in response to the notice after charge. This positive story was missing even from the written statement and rejoinder of the delinquent filed before this Tribunal. The only thing said in the rejoinder for the first time was that Sewa Singh was in possession of an order of Sub-Area Manager for the supply of slack coal in exchange of quarry coal. Here again the pleadings carefully omitted to admit that in pursuance of that order Sewa Singh did dump the coal. Thus the story now developed while producing evidence before this Tribunal is only an after thought.

10. Sewa Singh W.W.I says that the permission Ex. W/3 was signed by the Sub-Area Manager in presence of Colliery Manager and was handed to Sewa Singh. He received the order on 12th February and dumped the coal on the next following night. When this order was signed and given to him, Sri Gupta, Contractor, on those application the permission was granted, was not there. This statement is not worthy of credence. Why and how Sewa Singh happened to be present with Sub-Area Manager on that day when he was to be on duty at Ram Nagar Colliery is not clear. Moreover Sri Gupta contradicts him by saying that permission was granted by the Sub-Area Manager in his very presence on 1-2-1976 and the same day the coal was supplied. This means that before 13th February when the coal indisputably was dumped, slack coal

envisioned in the permission Ex M-1A had already been supplied to Sri Gupta, who has scrupulously avoided to say that it was supplied by Sewa Singh. Shri Gupta has not said that though the sanction was to supply slack coal yet the graded coal was supplied to him. It follows that the slack coal sanctioned by Ex. M-1A had already been supplied to him by some one on 1-2-76 and the sanction Ex. M-1A does not relate to the graded coal so dumped by Sewa Singh in the night between 13th and 14th February.

11. According to Ex W-3 supply was to be made in exchange of quarry coal. There is no evidence that quarry coal was so exchanged. It is not clear why against all norms the Sub-Area Manager, though addressed the permission to Colliery Manager, handed over the same to Sewa Singh & not to the Colliery Manager. Again it remains unexplained why Sewa Singh should have taken care to dump it in exchanged duty and that too at nocturnal hours, without obtaining any receipt from the party to whom the coal was supplied. Why normal procedure of obtaining proper pass and proper orders of colliery Manager, was not followed? What urgency led to the use of dumper when even according to Sri Gupta W.W. 2 the coal is supplied in a truck to be provided by the contractor at his own cost. All this goes to show that Ex. W/3 is some other spent up permission which had no correlation with the coal so dumped by Sewa Singh.

12. The charge of dishonestly dealing with the property of the employer is thus fully established by the evidence on record and punishment awarded does not appear to be disproportionate to the committed delinquency involving moral turpitude.

13. It is, therefore, held that the dismissal was justified. Reference is answered accordingly.

S. N. JOHRI, Presiding Officer
[No. I-22012(25)/77-D-IV(B)]

S.O. 2087.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employer in relation to the management of C.L. Jambad Colliery of Eastern Coalfields Limited, Parascole Sub-Area, Burdwan and their workmen which was received by the Central Government on 5th June, 1979.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 16 of 1978

PARTIES :

Employers in relation to the management of C.L. Jambad Colliery of Eastern Coalfields Limited.

AND

Their Workmen.

APPEARANCES :

On behalf of Employers—Sri N. Das, Advocate, with Sri A. Ghose Chaudhury, Asstt. Chief Personnel Officer, Sri V. K. Srivastava, Sr. Personnel Officer.

On behalf of Workmen—Sri A. K. Lal Gupta, Advocate, with Sri M. Senyal, Jt. Secretary of the Union.

STATE : West Bengal.

INDUSTRY : Coal Mine.

AWARD

By Order No. L-19012(36)/77-D-IV(B), dated 27th January, 1978, the Government of India, Ministry of Labour referred an industrial dispute existing between the employers in relation to the management of C.L. Jambad Colliery of Eastern Coalfields Limited and their Workmen to this Tribunal for adjudication. The reference reads :

"Whether the action of the management of Parascole Sub-Area, Eastern Coalfields Limited, Burdwan in dismissing Shri Tangore Gour, Night Watchman of C.L. Jambad Colliery with effect from 29th September, 1975 is justified? If not, to what relief is the concerned workman entitled?"

2. The concerned workman was appointed a Night-guard in the Central and Lower Jambad Colliery. On the night of 9/10 July, 1975 he was on duty in the office-cum-stores premises alongwith one Mahatam Mahato. His duty as Night Guard was to protect properties of the employers.

3. It is alleged that at about midnight some dacoits came, blasted crackers and looted the cash in the office to the tune of Rs. 14,534.62 p. lying in a Godrej Almirah and a Voltmeter of the value of about Rs. 4000. No resistance was offered to the dacoits by the concerned workman or by any other watchman on duty nor did any one raise any alarm. In fact, they all ran away.

4. On July 10, 1975 a chargesheet was issued against the concerned workman under the relevant Standing Orders. In his explanation the concerned workman denied that he had committed any misconduct. A domestic enquiry was thereafter ordered to be conducted. The Enquiry Officer in his report found that the charges brought against the concerned workman had been proved. On the basis of the Enquiry Report, an order was made dismissing the concerned workman with effect from September 29, 1975.

5. The facts of the case as stated above are a summary of the written statement filed on behalf of the employers. In sharp contrast to the specific allegations made against the concerned workman in the written statement, the charges brought against him on the basis of which the enquiry was conducted were vague and indefinite. The chargesheet reads as follows :

"PC/WO/CLJ/CS/75-1637

10th July, 75

To

Sri Tangore Gour
C/o. Jita Gour
Designation :—Night Watchman
Central & Lower Jambad Section,
Parascole Colliery.

CHARGE SHEET

You were on duty in the Office premises as Night Guard on 9-7-75 and your duty hours was from 12 night to 8 a.m.

According to the information received by us from Sri Dalpat Jagani and Shri Sudhir Kumar Bhattacharjee that an amount of Rs. 14534. 62 p. and a voltmeter costing of Rs. 4,000 and some torch cells were looted by the dacoits during your duty period. This also was evidently caused due to wilful disregard by you to discharge your duty as Night Guard.

You are therefore, charged under clause 17(i)(c) and 17(1)(i) of the Model Standing Order which reads as follows :

- (i) Wilful insubordination or disobedience, whether alone or in conjunction with another or others, or of any lawful or reasonable order of a Superior.
- (ii) Causing wilful damage to work in progress or to property of the employer.

Please show cause within 24 hours of receipt of this charge sheet as to why disciplinary action will not be taken against you.

You are suspended pending enquiry with immediate effect.

COAL MINES AUTHORITY

Parascole Colliery

Sd/-
Manager."

6. The chargesheet charged the concerned workman under clauses 17(1)(c) and 17(1)(i) of the Model Standing Orders. It merely reproduces the text of the said clauses. The text may be adequate as Standing Orders but as charges, they are worse than useless. The charges are expressed in alternatives and further alternatives. They are vague in the extreme, onerous and highly speculative. Reading them one will not know what exactly are the allegations. The charges mean anything or nothing. They leave one guessing. It is not possible to answer such charges nor is it reasonable to expect anyone to deal with them to any purpose.

7. The workman of course submitted an explanation in answer to the chargesheet by a letter dated July 14, 1975. It reads :

"To

The Manager,
Para scole Colliery.

14-7-75

Ref : Chargesheet No. PC/WO/CLJ/CS/75-1337

Dear Sir,

With reference to the above I have to submit that at time and date under reference I was on duty and have discharged the same properly. When dacoits came and cautioned me and others to silence, I screamed and shouted as a result of which I was hit by bombs and injured. I cried for help and contacted to Manager what I could do else obstructing the dacoits by my Lathi it only weapon I was armed with? I did the same braving Bomb assault. I am sorry that even though I have risked my life on duty. I have charged of wilful disregards to discharge duty. I have done my duty properly. I denied all the charges levelled against me one by one completely. I am not wilfully insubordinate or disobey as alleged. I am not guilty of violating any lawful or reasonable order of a superior. I have not caused any wilful damage to work in progress or to property of the employer. Charge against me are untrue, vague and baseless. Please drop the charge and allow me to resume my duty.

Yours faithfully,

L.T.I. of Tengore Goro
N.W.M. Central Jambad
Section."

8. It is clear that the workman has dealt with the vague and indefinite charges framed in alternatives as best as he could. The fact however remains that the charges are incurably bad, on the ground that they are indefinite, highly abstract, vague, speculative and too wide. The concerned workman had no real chance to defend himself against charges which did not make it clear to him what exactly was the case he had to answer. If the charges were properly framed the workman might have satisfied his employers by his explanation in which event no enquiry would have been ordered. In this case an enquiry was ordered on the basis of charges bad in law. The Enquiry Report therefore cannot stand and must be set aside. The order of punishment found on the basis of enquiry report must therefore also be set aside. It is useless to ask the parties to adduce evidence afresh before the Tribunal as there is no valid charge against the concerned workman in the context of which such evidence could be taken.

9. In these circumstances, I am constrained to answer the reference in favour of the workman. Needless to add, that the employers will be free to initiate fresh disciplinary proceedings on the basis of fresh charges if they are so advised.

10. As regards back wages, I have taken into consideration the evidence given by the concerned workman that during the years of unemployment he has been growing paddy in the fields with the assistance of his family members. Having regard to his evidence, I am of opinion that an award for half of his back wages will meet the justice of the case.

11. I therefore hold that the action of the management of Parascole Sub-Area, Eastern Coalfields Limited, Burdwan in dismissing Shri Tangore Gour, Night Watchman of C.I. Jambad Colliery with effect from 29th September, 1975 is

not justified. He is therefore entitled to be reinstated with effect from the date of dismissal i.e., 29th September, 1975. He is also entitled to half of his back wages.

Dated, Calcutta,

The 30th May, 1979.

S. K. MUKHERJEE, Presiding Officer.

[No. L-19012(36)/77-D-IV.(B)]

SASHI BHUSHAN, Desk Officer

New Delhi, the 4th June, 1979

S.O. 2088.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Disputes Tribunal, No. 2, Bombay in the industrial dispute between the employers in relation to the management of Messrs Machado and Sons, Agents and Stevedores Private Limited, Vasco-da-Gama (Goa) and their workmen which was received by the Central Government on the 2nd June, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY.

Reference No. CGIT-2/9 of 1975

Employers in relation to the management of Messrs Machado and Sons, Agents and Stevedores Private Limited, Vasco-Da-Gama (Goa).

AND

Their Workman Shri Shashikant L. Gaonkar

INDUSTRY : Ports and Docks STATE : Goa, Daman and Diu

Bombay, the 21st May, 1979

AWARD

1. The Government of India, in the Ministry of Labour have referred the following industrial dispute under order No. L-36012/3/75-DIV(A) dated 20-5-1975 to this Tribunal for adjudication under Section 10(2) of the Industrial Disputes Act, 14 of 1947 as per the joint application made by the parties herein.

"Whether the management of Messrs Machado and Sons, Agents and Stevedores Private Limited, Vasco-da-Gama, are justified in terminating the services of their Clerk, Shri Shashikant L. Gaonkar with effect from 15th November, 1974. If not, to what relief is he entitled?"

The Goa Dock Labour Union, Vasco-da-Gama espousing the cause of the workman Shri Shashikant L. Gaonkar (hereinafter referred to as 'workman') filed a statement of claim on his behalf. The workman joined M/s. Machado and Sons, Vasco-da-Gama, Goa (hereinafter referred to as the 'Company') as a Clerk in or about 1972. He was entrusted with the work of posting the petty cash register, writing vouchers etc. On 19-7-1974 the workman was served with a chargesheet alleging that there were certain irregularities in the posting of cash book and the preparation of the vouchers. The workman denied the allegation in his reply dated 27-5-1974/3-8-1974. The company not being satisfied with the above explanation conducted a domestic enquiry. Shri A. Da Cruz, the Secretary of the Mormugao Stevedores Association of which the company is a member was appointed as the Enquiry Officer. The Director of the company is the President of the said Stevedores Association. Shri Da Cruz after examining the witnesses and the record placed before him submitted a report to the management finding the workman guilty of the charges framed against him. The management accepted the said report and discharged the workman from service. The Union submits that by virtue

of his position as Secretary of the Stevedores Association Shri Da Cruz is biased in favour of the company and therefore not competent to be appointed as the Enquiry Officer. It is also alleged that the workman was not given a fair opportunity to defend himself by cross-examining the witnesses examined for the company. It is further submitted that the Enquiry was only a make believe affair and that he was victimised by the company. The Union referred this case to the Assistant Labour Commissioner (C), Vasco-da-Gama for his intervention. Before the Assistant Labour Commissioner the parties signed a joint application requesting the Government to refer this dispute for adjudication. It is submitted that the enquiry was conducted in violation of the principles of natural justice. It is prayed that the order of termination of service may be set aside and the workman may be reinstated with full back wages.

3. The management filed a written statement denying the several allegations made by the workman in the course of statement of claim. They say that the enquiry was properly conducted and not vitiated by any of the irregularities referred to in the course of statement of claim. They say that they have lost confidence in the workman.

4. The case underwent several adjournments. On 27-3-79 Shri S. V. Rao, Organising Secretary of the Goa Dock Labour Union prayed for time till 29-3-1979 either for reporting settlement or for trial. On 29-3-1979 a Memo. was filed on behalf of the workman praying for time to affect settlement. It is further stated therein that the workman Shri Gaonkar was asked to approach his employer directly for finalising the terms of settlement. The matter was then adjourned to 10-4-1979 finally either for reporting settlement or for evidence. The matter was again adjourned to 21-4-1979. On that day the workman was present. Shri Ramesh Desai for the company prayed for time to report settlement on the ground that the director of the company was not available and that he would submit the Memo. of settlement duly signed by the parties by post.

5. On 21-5-1979 a Memo. of compromise was received by post duly signed by the parties praying the Tribunal to pass an award in terms of the settlement. I am satisfied that the terms of settlement are beneficial to the workman having regard to the circumstances of the case.

6. In the result this reference is answered in terms of the Memo. of settlement signed by the parties. A copy of the Memo. of settlement is annexed hereto and may be read as part of this Award.

Sd./-
P. RAMAKRISHNA, Presiding Officer

Dated : 23-5-1979

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT BOMBAY

Ref. No. CGIT-2/9 of 1975

EMPLOYERS IN RELATION TO

M/s. Machado and Sons, Agents and Stevedores
Pvt. Ltd., Vasco-da-Gama, Goa

AND
Shri Shashikant Gaonkar

MAY IT PLEASE YOUR HONOUR

The parties to the above reference have mutually come to a settlement and the terms of settlement are mentioned herein below :—

1. The employer agrees to pay the workman, Shri Shashikant Gaonkar, the amount of Rs. 600/- (Rupees six hundred) only by way of full and final settlement of all claims including reinstatement with full back wages, raised in the above reference.

2. Shri Shashikant Gaonkar agrees to accept the amount of Rs. 600/- mentioned under clause (1), towards the full and final settlement of all his legal dues arising out of his employment with the employer and termination of the same thereof with effect from 15th November, 1974.

3. Shri Shashikant Gaonkar further agrees not to raise any claim whatsoever against the employer.

4. The employer agrees to make the above payment to Shri Shashikant Gaonkar on or before 31st May, 1979.

The parties pray that this Hon'ble Tribunal may be pleased to pass the award in terms of items Nos. 1 to 4 mentioned above, for which act of kindness the parties shall ever remain.

For the Employer

Sd./-
(RAMESH DESAI)

Dated this 16th day of May, 1979

For the Workman
Sd./-

(SHASHIKANT GAONKAR)
(No. L-36012(3)/75-D. IV (A))

New Delhi, the 6th June, 1979

S.O. 2089.—In pursuance of Section 17 of the Industrial Disputes Act, 1947, the Central Government hereby publishes the following award of the Arbitrators in the Industrial dispute between the management of Bina and Jayant Collieries of Central Coalfields Limited, Ranchi (Bihar) and their workmen which was received by the Central Government on 29th May, 1979.

[No. L-22013(2)/78-DIVA]
NAND LAL, Desk Officer

ARBITRATION award given by the Joint Arbitrators S/Shri R. G. Mahendru, CMD/BCCL and Shri Kanti Mehta, President, Indian National Mine Workers' Federation, Calcutta, under Section 10(A) of the Industrial Dispute Act, 1947

PRESENT :

- | | |
|---|--------------|
| 1. Shri R. G. Mahendru, CMD/
BCCL, Dhanbad, | 1 |
| 2. Shri Kanti Mehta, President,
Indian National Mine Workers'
Federation. | Arbitrators. |

APPEARANCE :

On behalf of the management —

1. Shri R. S. Murthy, Director (Personnel), CCL.
2. Shri A. Pani, General Manager, Singrauli.
3. Shri M. L. Gulati, Addl. CPO, CCL.

On behalf of the workmen —

1. Shri Bindeshwari Dubey, President, RCMS, Dhanbad.
2. Shri Damodar Pandey, Regional President, RCMS.
3. Shri Karam Chand, Bina Project.
4. Shri G. S. Rana, Bina Project.
5. Shri R. K. Roy, Jayant Project.

Industry : Coal State : Bihar

Dhanbad, the 1 May, 1979

The management of Bina and Jayant Projects of Central Coalfields Limited, Ranchi, Bihar, and their workmen represented by Rashtriya Colliery Mazdoor Sangh, Dhanbad, referred the following dispute for our Arbitration under Sub-Section (3) of Section 10(A) of the Industrial Dispute Act, 1947.

"Whether the demand of workers of Bina and Jayant Projects of Central Coalfields Limited, for discontinuing the present system of staggered weekly rest-day and for replacing it with a system of common weekly rest day is justified in view of the fact that the management have to operate their mining system on all the days of the week as envisaged in the Project Reports approved by the Central Government, heavy investments made therein, need for achievement of production targets which may be fixed by the competent

authority from time to time and the need for most economical working of these Projects. In case the demand for a common weekly day of rest is justified what additional payment should be made to the workers called upon to work on such weekly rest days having regard to the practice in the coal mining industry.

2. The parties agreed that the unanimous decision of arbitrators shall be binding on them and that in the case the arbitrators are equally divided in their opinion they shall appoint another person as umpire whose award shall be binding on them.

3. It was further agreed by the parties that the arbitrators shall make their award within a period of 6 months or within such further time, as is extended by mutual agreement between them in writing. In case the award is not made within the period mentioned above, the reference to arbitration was stand automatically cancelled and the parties shall be free to negotiate for fresh arbitrators.

4. The arbitration agreement was published in the Gazette of India, vide notification No. L-22013(2)/78-D IV(A) dated 19th July 78. After receipt of the copy of the notification publishing the agreement of the parties dated 9-6-1978 in the Official Gazette, the parties were requested, vide letter No. CMPDI/ARBI/295/775-77 dated 3 August, 1978 to submit their written statement to the arbitrators within 15 days simultaneously endorsing a copy of the same to the other party. The parties were further requested to submit their rejoinder, if any, in respect of written statement of the other party, simultaneously endorsing a copy thereof to the other party.

5. One of the arbitrators, Shri R. G. Mahendru, CMD/CMPDI, in the meanwhile was transferred as CMD/BCCL in October, 1978. Since no written statement was received from the parties, they were again requested vide letter No. BCCL/IR/18(24)/78/49215-17 dated 4/6 December, 1978 to submit the written statement as earlier requested.

6. The written statement of the workmen dated nil was received by the arbitrators but no written statement was received from the management. As such another notice was issued to the management requesting them to submit their written statement, vide letter BCCL/IR/18(24)/78/79/3230-32 dated 15/19 January 79. The parties were also requested to extend the period for giving award as the 6 months period stipulated in the agreement dated 9th June, 1978 was to expire on 19-1-1979. The parties submitted their consent for extending the period for giving award upto 19th July, 1979 vide their memo dated 20th February, 1979.

7. The management submitted their written statement, vide their letter dated 4th March, 1979. The union submitted their rejoinder on the management's statement, vide letter dated 6th March, 1979. The management also submitted rejoinder on the written statement of the workmen on 4th March, 1979.

8. The hearing of the case was fixed on 16th March, 1979 at BCCL office Calcutta. The parties attended the hearing and after preliminary discussions it was suggested to the representatives of both the parties that they may mutually discuss this issue amongst themselves with a view to come to a satisfactory settlement and report the outcome of their discussions to the arbitrators by 16/4/1979 when the case would be heard by the arbitrators, who shall give their award in the matter.

9. On the next date of hearing on 16-4-1979 though the workmen representatives attended the management representatives could not attend. The union representatives also stated that no mutual discussions could be held between the parties and, therefore, they requested that the case be heard and the arbitrators be pleased to give their award. As such a short adjournment was given and the hearing was fixed on 19-4-1979 at 4 P.M. in CII's office at Calcutta. The parties attended the hearing on 19-4-1979, which continued on 20-4-1979.

10. The workmen's representatives submitted in their written statement that 2 Projects viz Bina and Jayanta are located in the district of Mirzapur in Uttar Pradesh and Sidhi in Madhya Pradesh, respectively and that approximately

1100 workers are employed therein of which 900 are affected with the present dispute which involved two issues. These two issues are not new to the coal mining industry and the same have already been decided by voluntary consent and/or awards etc. It has been submitted by the union that it is well settled that as far as practicable, there should be a common weekly day of rest in respect of an establishment to enable the employed persons to have the benefits of marketing, social exchange, family reunion as well as for furthering trade union activities by attending rallies and meetings, etc. on that day. It is also settled that the statutory provisions imply that there should be a weekly day of rest and by and large industrial establishment in general and coal mining industry in particular have accepted Sunday, the first day of the week as a common rest day. Accordingly in the above 2 projects also Sunday is declared weekly rest day but operational staff have been put on arbitrary staggered day of rest.

11. The union representatives contended that the arbitration award of Shri J. G. Kumaramangalam and Shri Kanji Mehta was accepted by then Coal Mines Authority, the predecessor of Coal India Limited have also accepted the principles of declaring one day in the week for all the workmen as rest day and payment of extra wages for working on that day, if the workmen are called upon to do so. The union has contended that earlier when the Mines Act did not provide for overtime payment on the weekly day of rest, the issue was decided by the award of one time Chief Labour Commissioner (Central), Shri Joshi, which is commonly known as Joshi Award, which had decided to pay overtime rates i.e. one and half times of the normal wages to workmen, who are called upon by the management to perform duties on a weekly day of rest. Subsequently the rate of overtime payment was enhanced by virtue of an enactment in the Mines Act providing for double rates being on overtime duty on a weekly day of rest. There are awards and decisions of voluntary arbitration or otherwise according to which a workmen who is called upon to work on a weekly day of rest is entitled to receive two and half times of his normal wages. The same standard had been adopted by the Coal India Limited and a circular has been issued in this regard by the Chief of Personnel Division/Coal India Limited. In view of this the workmen representatives prayed that the management should declare Sunday as the common weekly day of rest in respect of employed persons of Bina and Jayanta Projects and in the event of any workmen being required to perform duties on the common weekly day of rest, they should be paid at the double the normal wages so as to maintain uniformity.

12. The case of the management is that the Bina Project, which had started coal production with effect from 15-8-1974 and the Jayanta Project with effect from 27-2-1975, are very highly capital intensive projects and production are to be achieved at these projects for catering to the needs of some of the very big Thermal Power Stations located and to be established around these two collieries in UP and MP border. According to the original Project Report of Jayanta Rs. 95 crores are to be invested whereas in respect of Bina Project the investment is expected to be in the region of Rs. 40.5 crores and a major part of the investment has already been made in these projects.

13. The management further pointed out that the Project Reports both in respect of Bina and Jayanta were prepared by the Experts of Central Mine Planning & Design Institute in collaboration with Russian Experts. It is also pointed out by them that the feasibility reports of the Projects provided for quarry operation round the clock, throughout the year on 330 days per year excluding 7 days for National/Festival holidays and 28 days representing loss on account of moonsoon, etc. The operation of the equipment is also envisaged on the same basis. It was expected that the Bina Project will come into full swing by 1985-86 and Jayanta by March, 1990. It was also pointed out by the management that as per the original Project Reports the life of Jayanta Project is for a period of 53 years at the rated capacity of 3.05 million tonnes of coal per annum and as far as Bina Project is concerned its life is estimated as 30 years, at the rated capacity of 2.00 million tonnes of coal production per annum.

14. The management contended that in view of the fact that the high capacity equipment will be in use of Jayanta and Bina Projects for over-burden removal and coal pro-

duction and also taking into account the high rated annual coal production of the mine at 10 million tonnes for Jayant and 4.5 million tonnes for Bina which are expected to be achieved as per revised project reports, it is essential that the costly equipment is operated round the clock and throughout the year within 7 days working per week and 3 shifts of 8 hours per day so as to achieve the maximum utilisation of the high capacity mines and equipment. The present manpower of Bina Project is 547 including 27 officers, 92 monthly rated staff whereas that of Jayanta is 626 including 26 officers and 116 monthly rated staff.

15. The management have also furnished the comparative economics of working 3 million tonnes per annum capacity mines under various alternatives and pointed out that the workings of mine such as Bina and Jayant should be 7 days week and 3 shifts per day with staggered rest day. It has also been emphasised that the cost of production of these projects is kept at the lowest because of the fact that the coal is of low grade being fit for consumption by Thermal Power Stations and it is priced extremely low.

16. It was pointed out that the question of introduction of 7 days working of coal mines was discussed by the management with the workers representatives from time to time and it was agreed in principle that 7 days working of mine could be introduced on account of obvious advantages. The management have, therefore, contended that there is strong case, keeping in view of need for the mining system in these Projects, being operated on a continuous basis on all the days of the week, the heavy investment made in these Projects, the need for achievement of a high production targets and the need for the most economical working of these projects, for the continuing the system of 7 days working of these projects. It has been argued that keeping the costly equipment in which several crores of rupees have been invested without being used in a productive operation for nearly 1/7th of the days of the year would naturally lead to increase in cost and lower production and the same cannot be justified. It has been stated that there are hardly any other coal mines with such heavy investment, high production targets. The management have, therefore, submitted that there is every justification for continuing 7 days working of this mine. This will also be in tune with the spirit of the provisions of the National Coal Wage Agreement vide Para 8.1.

17. As regard the 2nd part of the reference, which relates to the rate of additional payment to the workers, who are called upon to work on weekly rest day, in case the demand for a common weekly rest day is justified, it has been submitted that there is a strong case for continuing the present system of 7 days working with staggered weekly rest day, as explained earlier and, therefore, the question of common weekly rest day would not arise. It has also been pointed out by the management that if at all it arises, the workers called upon to work on the common weekly rest day for the mines can at best claim payment at one and half times of the normal rate of their wages. It is also contended that the Joint Bipartite Committee for the Coal Industry in its meeting in October, 1976 recognised the need for the working of mines on 7 days basis with a staggered rest day and came to the conclusion that such system could continue. As such the management pleaded for giving an award in their favour.

18. During hearing of the case on 16th March, 1979 and on the 19th and 20th April, 1979, the representatives of the workmen reiterated what has been stated in their written statement and rejoinder and pointed out that the workers of these projects enjoying common weekly rest day on Sunday but during Emergency the system of staggered rest day was introduced. Since the removal of the Emergency the workmen represented for their original rest day. It has also been pointed out that the staggered rest day has been introduced only for production staff and others are still enjoying a common rest day. The workers who were called upon to work on the common rest day which is Sunday, are paid at double the rate except the production staff who are paid only single wages. The demand of the workmen is, therefore, just and reasonable. It has been argued that the production cannot be achieved by exploiting the workmen and the advantage of extra production cannot be monopolised by the management. The workmen concerned should also get a share out of the same.

19. On certain clarifications sought by the arbitrators, it was pointed out that before the Emergency there was 6 days working and 7 days working was introduced on 4-7-1976. The general recognised rest day in these projects was and is Sunday.

20. The representatives of the management while arguing the case reiterated their stand mentioned in their written statement and rejoinders and pointed out that the honourable arbitrators may confine their award within the terms of reference. It has been argued that in view of the facts stated in their written statement the mine has to work on 7 days per week and, therefore, the workers who are being given staggered rest day, if called upon to work on that day shall be paid at double the rates but they can have no justifiable claim for payment at double rates if they work on Sunday which is a normal working day for them.

21. The management representatives also pointed out that there is another union by name MP Colliery Workers Union, which is operating in these 2 Projects, they may also be impleaded as a party as they have threatened to resort to strike on the same issue and the conciliation proceedings have started. It was clarified by the Arbitrators that they could be included only after they approach in writing for the same and not otherwise. In any case the management cannot take this plea at this stage. The management representatives submitted that the matter regarding 7 days working and staggered rest day, was also taken up in the Joint Bipartite Negotiating Committee at National level and hence it would be fair to wait its outcome and prayed that the arbitrators may give an award to maintain status-quo till the matter is decided at industry level.

22. We have carefully gone through the submissions made by the parties in the written statements and rejoinders as well as orally during the hearing of the case on 19th and 20th April, 1979. Taking everything into consideration as also the fact that coal mining is not a continuing process industry, we are of the opinion that the demand of the workers of Bina and Jayanta Projects, Central Coalfields Ltd. for discontinuing the present system of staggered weekly rest day is justified and, therefore, we direct accordingly. We also accept the contention of the management that the Projects in the Singrauli Coalfield are exclusive in planning and design features and are highly capital intensive. We are aware that the heavy investments made in these mines can be better utilised and higher production targets can be achieved if the mine is worked all the 7 days as in a continuous process factor. As the management is interested in the maximum utilisation of the heavy investment they have made it should persuade the union to continue the present practice of running the mines all the 7 days by paying at double the normal wages for working on the common weekly day of rest as was the practice in these mines prior to 4-7-1976 and as is the case with the non-operational staff even now.

23. The union has demanded that the relief we give should be from 4-7-1976 the date on which 7 days working was introduced. To come to a decision in this matter, we have considered the trend of decisions of the Hon'ble Supreme Court of India in this regard. In the case of Greaves Cotton reported in 1964 II LLJ page 342, at page 350, the Court has observed that if the award is given from the date of reference it could not be said to have been given with any retrospective effect. In the case of Jhagrukhand Colliery reported in 1960 II LLJ Page 71 at Page 77 the Court has observed that, if and when the demands are reasonable, the relief should be with effect from at least the date of the demand. Taking everything into consideration we feel that the ends of justice would be met if we award that those who have worked on the weekly day of rest (Sunday) should be paid at double the normal wages for work on that day and our decision should come into effect.

with retrospective effect from 19th July, 1978, the date of reference. We award accordingly.

24. Regarding the demand of the union for cost we direct the management to pay Rs. 3,000 to the union as costs.

Sd/-

(Kanti Mehta)
ARBITRATOR

Sd/-

(R. G. Mahendru),
ARBITRATOR
CHAIRMAN/MG. DIRECTOR
Bharat Coking Coal Limited
[No. I-22013(2)/78-D. IV(A)]
NAND LAL, Desk Officer

नई दिल्ली, 7 जून, 1979

का० आ० 2090.—केन्द्रीय सरकार, खान प्रधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री हौ० पंडा, कल्याण आयुक्त, को असम और उड़ीसा में कोयला क्षेत्रों के लिए मुख्य खान निरीक्षक के अधीनस्थ खान निरीक्षक नियुक्त करती है।

[सं० ए-26019/1/78-एम 2]

New Delhi, the 7th June, 1979

S.O. 2090.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri D. Pande, Welfare Commissioner to be an Inspector of Mines subordinate to the Chief Inspector of Mines for the coalfields in Assam and Orissa.

[No. A. 26019/1/78-M. II]

का० आ० 2091.—केन्द्रीय सरकार, कोयला खान गत्तमुख स्थान, नियम, 1959 के नियम 2 के उपनियम (आ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री हौ० पंडा, कल्याण आयुक्त, को, असम और उड़ीसा के कोयला क्षेत्रों में कोयला खासों के संबंध में, इन नियमों के अधीन सकाम प्राधिकारी के सभी कार्यों का पालन करते के लिए सकाम प्राधिकारी नियुक्त करती है।

[सं० ए-26019/1/78-एम 2]

पी० क० सेन, अवर सचिव

S.O. 2091.—In exercise of the powers conferred by sub-rule (b) of rule 2 of the Coal Mines Pithead Bath Rules, 1959, the Central Government hereby appoints Shri D. Panda, Welfare Commissioner as the competent authority to perform all the functions of a competent authority under these rules, in respect of the coal mines in the coalfields of Assam and Orissa.

[No. A. 26019/1/78-M. II]
P. K. SEN, Under Secy.

New Delhi, the 7th June, 1979

S.O. 2092.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Barora Colliery of Messers Bharat Coking Coal Limited, Post Office Nawagar, District Dhanbad and their workmen, which was received by the Central Government on the 4th June, 1979.

CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 3 AT DHANBAD

SHRI J. P. SINGH

Reference No. 10 of 1978

In the matter of an industrial dispute U/S 10(1) (d) of the Industrial Disputes Act, 1947.

PARTIES

Employers in relation to the management of Barora Colliery of M/s. Bharat Coking Coal Ltd., P. O. Nawagar, Distt. Dhanbad.

AND

Their Workmen

APPEARANCES :

For Employers.—Shri B. Joshi, Advocate.

For Workmen.—Shri S. Bose, Representative of the Union.

INDUSTRY : Coal.

STATE : BIHAR.

Dated, the 29th May, 1979.

AWARD

The Government of India, Ministry of Labour is of opinion that an industrial dispute exists between the employers in relation to the management of Barora Colliery of M/s. Bharat Coking Coal Limited, P.O. Nawagar, Distt. Dhanbad and their workmen. Accordingly they, by order No. I-20012/181/77-D. III(A) dated 6th February, 78 referred the said dispute to this Tribunal U/S 10(1) (d) of the Industrial Disputes Act, 1947 for adjudication with the following issue framed.

SCHEDULE

"Whether the action of the management of Barora Colliery of M/s. Bharat Coking Coal Ltd., P.O. Nawagar, Distt. Dhanbad in stopping from work Sarvashri Ranka Behra and Ujjal Sethi, workmen with effect from 29th September, 1976, is justified ? If not, to what relief are the said workmen entitled ?"

2. After receipt of the reference written statement was filed by the employers and the union prayed for time for filing settlement. Ultimately on 28-5-79 a joint petition of compromise was filed by the parties incorporating therein the terms of settlement arrived at between them in respect of the industrial dispute pending for adjudication in this Tribunal. The contents of the joint petition of compromise were verified as correct from the side of the workmen by Shri Unit Prasad Singh, Secretary, Janta Mazdoor Sangh and S/Shri J. S. Jadan, Superintendent and R. Mohan, Dy. Personnel Manager, Barora Colliery of M/s. Bharat Coking Coal Ltd. I heard the parties on the joint petition and it is prayed before me that an award may be passed in terms of the settlement as filed. It appears that the settlement in its turn has been signed by the authorised representative of Bharat Coking Coal Ltd., on behalf of the employers and Shri Unit Prasad Singh on behalf of the workmen and also thumb impressed by the workmen actually concerned in the Reference. The terms of the settlement, beneficial as they are to the parties, are accepted. Nothing therefore stands in the way of an award being passed on the basis of the settlement. Accordingly, I pass the Award in terms of the settlement which shall form part of the Award as Annexure A.

J. P. SINGH, Presiding Officer.

ANNEXURE 'A'

FORM—'H'

FORM FOR MEMORANDUM OF SETTLEMENT ARRIVED AT BETWEEN BARORA COLLIERY AND JANTA MAZDOOR SANGH ON 8-2-1979

Representing Employers

1. Sri J. B. Jadan, Supdt. Barora Colliery
2. Sri Rajendra Mohan Dy. Personnel Manager, Barora Area.

Representing Union's workmen

1. Sri Unit Prasad Singh, Secretary Janta Mazdoor Sangh

SHORT RECITAL OF THE CASE

M/s. Ujjal Sethi and Ranka Behra, Quarry workers of Barora, Colliery were stopped from their employment in 1976 on account of impersonation and subsequently they were allowed to resume their duty pending investigation. The Union also discussed this matter with the Review committee consisting of member of Union and Management at Karmik Bhawan.

After long discussion it was decided to settle this matter on the following terms :—

TERMS OF SETTLEMENT

1. That M/s. Ujjal Sethi and Ranka Behra have been allowed to resume their duty with effect from 24-12-1978.
2. That M/s. Ujjal Sethi and Ranka Behra shall be paid 50 per cent of the wages (average) for the idle period from the date of stoppage to the date of joining their duty at the Colliery.
3. That the period of idleness of the workmen as above shall be treated as leave without Pay for the purpose of continuity of service only.
4. That this issue is resolved finally.
5. That the copies of the settlement shall be sent to appropriate authority under Rule 58(4) of I.D. (C) Rules, 1957.

Signature of Representing Employers

Sd/-

(J. S. JADAN) (Superintendent) Barora Colliery (R. MOHAN) Dy. Personnel Manager, Barora Area	Signature of Union Representative (Unit Prasad Singh) Secretary Janta Mazdoor Sangh
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Witness :—

1. Sri Ujjal Sethi
2. Sri Rank Behra
- 3.

[No. L-20012/181/77-D.III(A)]

S.O. 2093.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of Kujama Colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 4th June, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 3 AT DHANBAD

Reference No. 39 of 1978

In the matter of an industrial dispute u/s. 10(1)(d) of the Industrial Disputes Act, 1947

PARTIES :

Employer in relation to the management of Kujama colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad.

AND

Their workmen.

APPEARANCES :

On behalf of the employer.—Shri J. R. Varman, Dy. Personnel Manager, Bharat Coking Coal Ltd., Jaalgora, Dhanbad.

On behalf of the workmen.—Shri M. N. Singh, Vice President, Koila Ispat Mazdoor Panchayat, Jharia.

State : Bihar

INDUSTRY : Coal

Dhanbad, 30th May, 1979.

AWARD

The Government of India, Ministry of Labour is of opinion that an industrial dispute exists between the employer in relation to the management of Kujama colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad and their workmen. Accordingly they, by order No. L-20012/226/76-D, III(A) dated 3-5-78 referred the said dispute to this Tribunal u/s 10(1)(d) of the I.D. Act, 1947 for adjudication with the following issue framed :

SCHEDULE

"Whether the action of the management of Kujama colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad in terminating the services of Shri Bhola Nath Pandey, Night Guard, with effect from 23rd April, 1976, is justified? If, not, to what relief is the said workman entitled?"

After receipt of the reference written statement was filed by the workmen. Employers were to file their written statement on 25-5-79. But on 25-5-79 a joint petition of compromise was filed by the parties incorporating therein the terms of settlement arrived at between them in respect of the industrial dispute pending for adjudication in this Tribunal. I heard the partner in the joint petition and it is prayed before me that an award may be passed in terms of the settlement as filed. It appears that the settlement in its turn has been signed by the authorised representative of Bharat Coking Coal, on behalf of the employers and by Shri R. N. Singh, Vice President, Kolia Ispat Mazdoor Panchayat, Jharia representing the workmen and also signed by the workman actually concerned in the reference. The terms of the settlement, beneficial as they are to the parties, are accepted. Nothing therefore stands in the way of an award being passed on the basis of memorandum of settlement. Accordingly, I pass the Award in terms of the memorandum of settlement which do form a part of the Award as Annexure A.

J. P. SINGH, Presiding Officer

ANNEXURE 'A'

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 3, DHANBAD

In Ref. No. 39 of 1978.

Employers in relation to Kujama Colliery of BCC Ltd.

AND

Their Workmen.

Joint Petition of Compromise Settlement

The humble petitioners, on behalf of the parties above noted, most respectfully pray :—

That the dispute mentioned above, and pending adjudication before the Hon. Tribunal, has been settled amicably between the parties on the terms stated below :—

Terms of Settlement

The parties agree :—

1. That Shri Bholanath Pandey, Night Guard of Kujama Colliery, shall be reinstated in his original post in the same Colliery, within, seven days of his reporting to the Superintendent of the Colliery, for resumption.
2. That the service of Shri Bholanath Pandey shall be treated as continuous, for the purpose of calculating gratuity and for other purposes.
3. That the workman/union shall forego all claims for all payment of wages, bonus, etc., for the period of idleness between 23-4-1976 and the date of his resumption.
4. That the parties shall have no further claim whatsoever against each other relating to this dispute, which stands fully and finally resolved by this settlement.

The petitioners beg to submit that the Hon. Tribunal may be pleased to approve of the terms as fair and reasonable, and pass award in terms thereof.

And for this the humble petitioners shall ever pray.

For and on behalf of
the employers.

Sd/-

(C. R. VARMAN)
Dy. Personnel Manager,
BCCL, Security Hqrs.
Jealgora (Dhanbad).

For and on behalf of
workman/union
(H. N. SINGH)
Vice President,
Koila Ispat Mazdoor
Panchayat, Jharia.

Dated the 25th May, 1979

Sd/-

(Bholanath Pandey)
Workman.

New Delhi, the 7th June, 1979

S.O. 2094.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Gujarat in the industrial dispute between the employers in relation to the management of Carborundum Universal Ltd., Bauxite Mines, P. O. Bhatta, District Jamnagar and their workmen, which was received by the Central Government on the 23rd May, 1979.

BEFORE SHRI R. C. ISRANI, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL AHMEDABAD.

Reference (ITC) No. 9 of 1976

Adjudication

BETWEEN

The Management of Carborundum Universal Ltd.
Bauxite Mines,
Post Office Bhatia,
District Jamnagar.

AND

The Workmen.

In the matter of Union's demand for 10 days' casual leave and 10 days' festival holidays—

APPEARANCES :

Shri D. C. Gandhi, with Shri M. J. Sheth, advocates, for the Company.

Shri R. M. Shukla for the Workmen.

AWARD

This is a reference made by the Government of India, Ministry of Labour, under the provisions of Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (hereinafter to be referred to as 'the Act'), in respect of an industrial dispute which has arisen between the parties, viz., the Management of Carborundum Universal Limited, Bauxite Mines, Post Office Bhatia, (District Jamnagar), (hereinafter to be referred to as 'the employer'), and the Workmen employed under it. At first, the reference was made to the Industrial Tribunal, (Central), consisting of Shri M. U. Shah. Vide the Government of India, Ministry of Labour's Order No. L-43011(2)/76-D-IV(B), dated the 23rd November, 1976, but, thereafter, vide the Order No. S. 11025(7)/77-D-IV(B), dated 27-8-77, of the same authority, the reference was transferred to this Tribunal.

2. The industrial dispute, as it appears from the schedule attached to the original order, under which this reference has been made, relates to the demand, which is as under :

"Whether the demand of the workers for grant of ten days casual leave and ten festival holidays in a year is justified? If so, the quantum of casual leave and festival holidays the concerned workmen are entitled?"

3. In support of the demand covered by this reference, the union, by name, Okhamandal Majoor Mahajan Sangh, Mithapur, (hereinafter to be referred to as 'the union'), representing the workmen concerned in this reference, has filed its statement of claim, (Ex. 2), dated 13-1-1977. It is the case of the union that the employer is dealing in mining business and the mines are situated at two villages, by name, Mahadevia and Mevas in Jamnagar district. It is explained by the union that at Mahadevia village, 23 males and 12 females; and at Mevas village, 13 males and 9 females are working in those mines. Because the workmen employed by the employer for working in those two mines, were not represented by any trade union, they were denied all the usual leave benefits, including the enjoyment of festival holidays. However, when the union enrolled them as its members, enquiries were made as to what leave facilities were being granted to these workmen. It was noticed that they were not given any casual leave and, as regards the festival holidays, they were given only 4 holidays. The complaint of the union, therefore, is that when the other workmen working in the similar mines in the same area, have been enjoying better facilities, so far casual leave and festival holidays are concerned, there should be no reason as to why these workmen employed by this employer, should not receive the similar facilities. The union has cited the example of Gujarat Mineral Development Corporation, which is also dealing in the business of mining, and which gives 7 days' casual leave and 6 festival holidays to the workmen employed by it. It was also further explained that the mining operations done by the State Government, were also done in a manner, so as to provide similar facilities to the workmen employed in those operations. Since the employer was not in a mood to agree with the demand made by the union on behalf of the said workmen, an industrial dispute was raised with the Government of India, which was ultimately referred for adjudication to this Tribunal. The demand of the union, therefore, is that the workmen employed in these two mines, should be given 10 days' casual leave in a year and they should also be given 10 days' festival holidays with full wages.

4. On behalf of the employer, the written statement, (Ex. 3), has been filed on 5-2-1977. It is not denied that the two mines are situated in the two villages in the district of Jamnagar, as stated through the statement of claim. However, the number of male and female workers, has been objected to, but it is admitted position that certain male and female workers are working in those mines. It is also admitted that no casual leave is being given to those workers, but they are given 4 festival holidays with full wages, and they are 26th January; 15th August; 2nd October and either Diwali, or Holi. It is further explained that they are also given one day's privilege leave for every 20 working days as per the Mines Act. The employer has opposed the demand for casual leave for 10 days and also for any enhancement in the paid festival holidays. The opposition is based on two grounds. The first ground is that the Gujarat Mineral Development Corporation, cannot be considered a comparable concern with the mines in question, and even the Government run mines cannot be considered as comparable concern with these two mines. It is, therefore, urged that on the basis of the different kinds of leave granted by those concerns to their respective workmen, the present demand covered by this reference cannot be granted. The second ground urged on behalf of the employer is that the financial position of the employer is not satisfactory and if this demand is granted, it will result in more financial liability, which cannot be borne by the employer.

5. The employer was represented by the learned advocate, Shri M. J. Sheth, and the workmen, through the union, were represented by their learned representative, Shri R. M. Shukla. On behalf of the parties, a joint pursis, (Ex. 6), was filed on 12-10-1978, indicating that they did not wish to lead any oral evidence in this reference. In fact, no documentary evidence has also been filed, excepting a list of workmen employed in these mines at Ex. 5, showing the days on which each workmen had remained absent during the year 1976. The employer has not produced any data regarding its present financial position, so as to indicate that the extra burden which may be inflicted on account of the grant of this demand, either wholly or partially, cannot be borne by the employer.

6. Through the written statement, (Ex. 3), it is not denied that to the workmen working in the other mines in the same area, casual leave for 7 days and paid festival holidays for 6 days in a year, are being given by their respective employers. If that is so, it would be very difficult to agree with the employer that no casual leave should at all be given to the workmen employed by them. However, since a plea of financial difficulty has been raised, the workmen concerned in this reference may not be given 10 days casual leave, as demanded through this reference, but, in any case, they cannot be denied the facility of enjoying 7 days' casual leave, as the other workmen engaged in the same work and in the same area, are enjoying. I am, therefore, of the opinion that the ends of justice in this case, will be fully met with, if it is ordered that the workmen employed in these mines, be given 7 days' casual leave with effect from the present year, i. e., the year 1979.

7. As regards the paid holidays, at present the workmen are given 4 such holidays. I have stated above that those holidays are given on 26th January; 15th August; 2nd October and either on Diwali, or Holi, every year. In other mines, the paid festival holidays given to the workmen, are 6 in a year. However, in the instant case, considering the plea of the employer regarding their weak financial position, it would be just and reasonable to direct that, instead of 6 holidays as demanded the workmen concerned in this reference, be given only 5 paid holidays, which should be 26th January; 15th August; 2nd October; Diwali and Holi every year. Even this direction should take effect from this year i. e., the year, 1979.

8. (i) It is, therefore, hereby directed that the workmen employed by the management of Carborundum Universal Ltd., Bauxite Mines, P. O., Bhatia, Jamnagar district, shall be granted 7 days' casual leave every year, beginning from this year, the year 1979.

(ii) It is further directed that the said workers shall also be granted 5 paid holidays, as under, every year, beginning from this year, 1979 :

- (1) 26th January ;
- (2) 15th August ;

(3) 2nd October ;

(4) Diwali ;

(5) Holi.

(iii) The first party to bear its own costs, and also to pay the cost of the second party, which are quantified at Rs. 200 (Rupees two hundred only).

Ahmedabad, 4th April, 1979.

Sd./-

R. C. ISRANI, Presiding Officer.

[No. L-43011/2/76-D-IV B/D]

S.O. 2093.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Gujarat in the industrial dispute between the employers in relation to the management of Tata Chemicals Limited Ranavav and their workmen, which was received by the Central Government on the 21st May, 1979.

BEFORE SHRI R. C. ISRANI, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL (CENTRAL), AHMEDABAD

Reference (ITC) No. 1 of 1975

Adjudication

BETWEEN

The Management of Messrs Tata Chemicals Ltd.,
Post Office Ranavav,
District Junagadh.

First Party.

AND

The workmen employed under it. Second Party.

In the matter of termination of services of Shri K. B. Thakur, a Mechanic of Stone Quarry, Ranavav, with effect from 23-10-1974.

APPEARANCES :—

Shri D. C. Gandhi, Advocate—for the First Party.

Shri R. M. Shukla—for the Second Party.

AWARD

This is a reference made by the Government of India, Ministry of Labour under Section 7A read with clause (d) of subsection (1) of Section 10 of the Industrial Disputes Act, 1947, (hereinafter referred to as 'the Act'), in respect of an industrial dispute which has arisen between the parties viz. the management of Messrs Tata Chemicals Limited, Post Office Ranavav, District Junagadh hereinafter to be referred to as the company and the workmen employed under it. The reference was at first made to the Industrial Tribunal (Central) consisting of Shri M. U. Shah but thereafter vide the Oral Judgment in Special Civil Application No. 658 of 1977 the Hon'ble High Court of Gujarat remanded the reference to this tribunal for affording a reasonable opportunity to the management to lead all that evidence which was shut out and then proceed to decide the matter in the light of that evidentiary material.

2. The industrial dispute as it appears from the schedule attached to the original order under which this reference has been made relates to the demand which is as under :—

"Whether the termination of services of Shri K. B. Thakur, a Mechanic of Stone Quarry, Ranavav, with effect from the 23rd October, 1974, by the management of Messrs Tata Chemicals Limited, Post Office Ranavav, Distt. Junagadh, justified and legal? If not, to what relief the workman is entitled?"

3. In support of the above mentioned demand, Shri K. B. Thakur who will hereinafter be referred to as 'the workman' filed his statement of claim Ex. 2 on 24-5-1975. It is his case that he is a Mechanic at Ranavav-Adityana Lime Stone

Quarry of the Company to which post he had been appointed by the Order Ex. 2/3 dated 5-7-1969 and was later on confirmed by the Order dated 7-10-1969 Ex. 2/2. The workman was, therefore, a permanent employee of the Company. It is his case that he was performing his duties quite efficiently and honestly and had also acquired sufficient experience. It is also his claim that his record of service had been clean without any blemish. However, it is his grievance that on 27-8-1974 he was served with a charge-sheet Ex. 2/4 equivalent to Ex. 5/5 by the Company, alleging that report had been received by the Management that on the morning of 27-8-1974, he had quarrelled with another workman by name Shri Hamidminya Hyderminya and had also given him foul abuses in connection with the repairing of C.P.T. compressor. It was alleged against him that this conduct on his part amounted to misconduct falling within the purview of a clause (i) of Standing Order No. 21 of the Standing Orders by which he and the other workmen employed by the Company were governed. Through the said charge-sheet Ex. 5/5 he was further informed that Inquiry Officer will come from Mitbapur at his convenient time and date and a domestic inquiry will be held against him of which due notice will be given to him. He was further informed that he was being put under suspension for the alleged misconduct during the period of the said inquiry.

4. It is the case of the workman that ultimately no such domestic inquiry was held against him and straightway an order purporting to terminate his services was passed by the Company. A copy of that Order is produced at Ex. 2/5 equal to Ex. 5/7, dated 22nd October, 1974. It is the contention of the workman that this action of the Company was illegal and unjustified because the Order terminating his services was in fact a penal order which could not be legally passed by the Company without holding a regular domestic inquiry against him and without giving him a sufficient opportunity to defend himself during that inquiry. The grievance of the workman is that even though the order terminating his services was couched in a language so as to appear that it was an innocent order of discharge simpliciter, yet, in fact it was a penal order which penalised the workman in the shape of the termination of his services without any justification. Since the Company was not in a mood to reconsider its decision an industrial dispute was raised by the Union on behalf of the workman with the Central Government and ultimately this reference was made for the adjudication of the said dispute as contained in the schedule attached with the original order of reference.

5. On behalf of the Company the written statement Ex. 3 has been filed on 6-6-1975. It is explained by the Company that the workman had been involved on several occasions in different acts of misconduct and on every occasion appropriate action had been taken against him as would be seen from the statement of those incidents which has been marked as Annexure "A" to the written statement. As regards the incident of 27-8-1974, it was explained that the workman had quarrelled with his co-worker while on duty and both of them had given their separate complaints in writing to the management of the Company. The Company after considering the past conduct of the workman had ultimately decided to terminate the services of the workman as it was no more desirable to retain him in the service of the Company. It was explained by the Company that in the beginning it was proposed to hold a domestic inquiry into the charges against the workman but the same could not be held as the workman himself had filed a criminal case against that co-worker Shri Hamidminya with whom he had quarrelled and, therefore, the Company thought it advisable not to proceed with the proposed inquiry and under these circumstances it was dropped. It was also contended by the Company that in view of the past conduct of the workman as well as his conduct on the day of incident the Company had honestly felt that it was against its interests to continue him in the employment, it having lost confidence in him. It was under these circumstances that the Company had exercised its option under the Standing Order No. 19 and had terminated the services of the workman in pursuance of the said Standing Orders. The Company had also cited as many as five acts of alleged misconducts on the part of the workman during the period from 17th November, 1972 to 12th July, 1974. As such, the defence of the Company was that the order of termination of services of the workman Ex. 5/7 is a simple order of termination passed by the Company in the circumstances of the case and in the interest of

the Company. Since no stigma was attached to such an order and since it was not to be treated as the punitive order, the Company did not think it proper or necessary to hold any domestic inquiry especially when the incident had been taken to a court of law at the instance of the workman himself.

6. The then Industrial Tribunal consisting of Shri M. U. Shah recorded the evidence of the parties because the Company was given an opportunity to prove the alleged charges against the workman before the Tribunal itself as the Company had not held any domestic inquiry against him and had not arrived at any findings regarding the truth or otherwise of the allegations contained in the charge-sheet. After considering the oral as well as the documentary evidence led before the said Industrial Tribunal, the learned Tribunal came to the conclusion that the Company had failed to substantiate the charges against the workman and, therefore, the order of termination of his services was also held to be illegal and ineffective. As such, a direction was given by that Tribunal through the Award dated 17-12-1976 for the reinstatement of the workman in his original position, with continuity of service and with the payment of his full back wages. It will be convenient to reproduce the operative part of the said Award which is as under:—

"I find that the order of termination of Shri Thakur is wrongful and the management has failed to justify the charge and its action. Shri Thakur is thus entitled in the normal course to a relief of reinstatement with full back wages on the considerations aforesaid. No cogent reasons are given to take a different view in the matter. I accordingly direct that the workman, Shri K. B. Thakur be reinstated in service in his original post and with continuity of service within two months from today, by the management of Messrs. Tata Chemicals Ltd., Ranavav, and that he be paid full back wages and other emoluments due to the post from the date of the order of termination till he is reinstated. The Company shall pay Rs. 700 (Rupees seven hundred only) as and by way of costs of this Reference to Shri K. B. Thakur, Award accordingly."

7. Aggrieved by this Award given by that Industrial Tribunal, the Company filed the Special Civil Application No. 658 of 1977 in the High Court of Gujarat. The said application came up for hearing before a Division Bench of the High Court of Gujarat presided over by the Hon'ble Justice Shri B. J. Diwan and consisting of Hon'ble Justice Shri N. H. Bhatt by their oral judgment dated 13-12-1977 the said Special Civil Application was allowed and the award made by the then Industrial Tribunal was quashed. The judgement of the High Court is produced at Ex. 29. In order to appreciate the reasons for which the said Special Civil Application was allowed, it will be necessary to reproduce paragraphs 3 and 4 of that judgement of the High Court of Gujarat which are as under:—

"3. The only point that was canvassed before us by the learned Advocate for the petitioner-company was that the Tribunal had wrongly withheld an opportunity to the management to lead evidence about the previous acts of indiscipline, etc. of the concerned workman, which are set out in Annexure "A" to the petition. The Tribunal withheld the said opportunity on the ground that those previous instances of alleged lapses on the part of the workman were absolutely irrelevant. It was contended on behalf of the petitioner-company that this material would be relevant even for the purpose of deciding what final order should be passed. In other words, it was contended that reinstatement does not follow as a matter of course in all such cases and there are many factors which are required to be brought to bear before any final adjudication is made. For the purpose of determining what final order should be passed, namely, one of reinstatement with full back wages or one for compensation, it would depend upon all relevant considerations. This was the only point canvassed on behalf of the petitioner-company and we are called upon to decide the same.

4. We have been taken through the evidence that was proposed to be led on behalf of the company at the time of the enquiry. Those instances regarding which the company wanted to lead evidence are set out in Annexure A to the petition. We do not find that various lapses attributed to the respondent-workman spread over the periods of the years from 1970 to 1974 are irrelevant. One of the occasions referred to therein pertains to the alleged drawing out of a knife from his pocket by the workman and placing it on the table of the Personnel Officer of the Company. The Company also wanted to put on record various apologies tendered by the concerned workman in writing on earlier occasions. We are in perfect agreement with the submissions made on behalf of the petitioner-company that such instances have their relevance at least for the purpose of deciding what final order should be passed in the event of the Tribunal coming to the conclusion that the alleged misconduct of the workman is not established by the company by leading evidence before the Tribunal. As the Tribunal had shut out this important and relevant material from evidence, its final award stands vitiated on that count. We, therefore, set aside the impugned award passed by the Tribunal on 21-2-76 and remand the matter back to the Tribunal for affording a reasonable opportunity to the management to lead all that evidence which was shut out and then, proceed to decide the matter in the light of that evidentiary material. Rule is accordingly made absolute with no order as to costs."

5. After the remand of this reference under the directions of the High Court of Gujarat, the notices were issued to the parties for leading further evidence, if any, and specifically for the Company to produce any documentary evidence in respect of the instances of past misconduct on the part of the workman. On behalf of the Company two affidavits were filed, one Shri G. B. Trivedi has filed his affidavit Ex. 36 on 6-7-1978 and Shri S. R. Mahadkar also filed his affidavit Ex. 38 on 1-9-1978. The Company has also produced the additional documentary evidence with the list Ex. 31 pointing towards the instances of past misconduct on the part of the workman. Since these two persons had filed those affidavits on behalf of the Company, the workman was given an opportunity to cross-examine them in respect of what they had alleged against him through those two affidavits. Shri Trivedi was cross-examined at Ex. 39 and Shri Mahadkar was cross-examined at Ex. 40. Thereafter on behalf of the Company the affidavit Ex. 41 was filed on 1-9-1978 through which the Company closed its case. Thereafter the workman himself entered into the witness box and gave his evidence at Ex. 41. He was cross-examined on behalf of the Company by their learned Advocate Shri D. C. Gandhi. Thereafter the witness Ex. 43 was filed on behalf of the workman on 19-9-1978 closing his case. After the closing of their respective cases, the learned representatives of the parties were heard.

6. Shri D. C. Gandhi, the learned Advocate, was heard on behalf of the Company and Shri R. M. Shukla was heard on behalf of the workman. It would be clear from the two paragraphs cited from the judgement of the Hon'ble High Court of Gujarat, that the original award given by the then Industrial Tribunal in this reference was set aside and quashed mainly on the ground that the said Tribunal had refused to permit the Company to bring on record documentary evidence in respect of instances of past misconduct on the part of the workman. On going through the entire judgement of the High Court of Gujarat it does not appear that the finding of the Industrial Tribunal regarding the charges which were levelled against the workman was specifically set aside or declared to be either improper or unjustified. It is important to note that since in this case the domestic inquiry was not held by the Company against the workman, the Tribunal itself held the inquiry by recording evidence of the witnesses on behalf of the Company in support of the charge-sheet levelled against the workman. The learned Tribunal considered in details the said evidence which also contained the evidence of the concerned workman Hamidminya who is said to have been insulted and abused by the workman. The Tribunal while giving that award had discussed in details the oral and documentary evidence which had been placed before it by the Company for the purpose of substantiating the charges against the workman. The entire evidence which was led before the

Industrial Tribunal was carefully and critically considered by the Tribunal and after such consideration the Tribunal had come to the conclusion that the charge had not been substantiated against the workman. Of course, the Tribunal had prevented the Company from bringing on record documentary evidence in respect of the instances of alleged misconduct on the part of the workman and on that account the Hon'ble High Court of Gujarat interfered and directed that the Company should be given a reasonable opportunity of bringing those instances of the alleged misconduct in the past on record so that these instances may be considered atleast for the purpose of imposing the final punishment, if any, upon the workman as well as for the purpose of order regarding reinstatement or for paying a reasonable compensation in lieu of reinstatement. From the judgement of the High Court, it clearly appears that the said finding of the learned Tribunal regarding the charge not having been proved or substantiated against the workman was neither confirmed nor specifically set aside. As such it will be necessary to reproduce the relevant passages from that award relating to the said findings of the said Industrial Tribunal in respect of the charge which had been levelled against the workman. The relevant observations are on pages 8 to 15 of the said Award and they are as under :—

"Now, as aforesaid, the only material question that now remains to be considered by me as the Tribunal is whether the charge stated in the charge-sheet, [Ex. 2(4)-Ex. (5)(5)-Ex. 26] of the act of misconduct of Shri Thakur is proved on the evidence adduced before me by the management and with regard to the evidence produced by Shri Thakur for the workman. The charge was a simple one sought to be covered by clause (8) of Standing Order 21 as governing the parties. It was that on the morning of 27th August, 1974, at about 8-30 a.m. the workman, Shri Thakur, had quarrelled with another workman, Shri Hamidminya Hyderminya, in respect of the repairing of the C.P.T. compressor and had given him foul abuses. It is material to note that the charge did not contain any allegations of Shri Thakur having a revolver in his pocket and his one hand being in the pocket at the relevant time and having dragged out Hamidminya out of his office room and threatened him with murder. Indisputably, the incident had taken place in the cabin or the office room of Shri Thakur who was the head of the mechanic department of the garage section under whom Hamidminya was working. There is no reliable evidence that any other person was inside the cabin of Shri Thakur at that time and that is not the case of the management. There is no dispute that Shri Thakur had called Hamidminya inside his chamber (room), or cabin at about 8-30 a.m. on the relevant day and asked him to do the repair work on C.P.T. Compressor and that Hamidminya had refused to do the work until he had finished the work of halco-drilling which he was doing at that time. Hamidminya has in his deposition (Ex. 13) stated that Shri Thakur got excited when he had told him that he will first finish the work of halco-drilling and then do the other work of compressor; that Shri Thakur began to abuse him; that he had told Shri Thakur that he should talk to the quarry manager, Shri Mahadkar, about this new work, which he would do only if Shri Mahadkar would tell him to do. According to Hamidminya, Shri Thakur took hold of his hands and pushed him out of the room and threatened him. Thus, even according to Hamidminya, the whole incident took place inside the room or the cabin or the chamber of Shri Thakur and it was because he had refused to do the work of repairing C.P.T. compressor until Shri Mahadkar gave orders, and although Shri Thakur was his immediate superior, Hamidminya further goes on to say that Shri Thakur had a revolver in his pocket and his one hand was in his pocket at the time and with the other hand he dragged him out. It is significant that he does not speak of Shri Thakur having threatened him with murder or with revolver fire. He only says that he was afraid of his life and so he got himself extricated and ran away. Hamidminya then wants to say that there were some two to three persons who restrained Shri Thakur by catching hold of him. If Hamidminya's version

that he was pushed out of the cabin by Shri Thakur is true, there was no question of any other person intervening and of Hamidminya getting himself extricated. Shri Hamidminya had to admit in his cross-examination that Shri Thakur was alone in his room when he was called on 27th August, 1974. He had to admit that he was earlier working at a distance of about 15 to 20 feet from the room. He had to admit that Usman Kasim and Hussain Ahmad were working in the garage at the time when the incident happened. Now, the evidence of Shri Hamidminya is to be appreciated with more than ordinary care and scrutiny, because his is an interested testimony. He was a workman working under Shri Thakur at all material time. He had disobeyed the instructions of Shri Thakur who was his immediate superior. The talk of repairing the compressor had taken place inside the cabin room of Shri Thakur. A charge-sheet was issued against (Hamidminya) by the management referring to the same incident on 27th August 1974. [Ex. 5(6)=25] wherein it is stated that Hamidminya had quarrelled with Shri Thakur in connection with the repairing work on C.P.T. compressor and had violently struck on the hand of Shri Thakur and this was an act of major misconduct falling under clause (16) of Standing order 21 for which an enquiry will be held against him. No enquiry was held against him by the management and he has been continued in the service. Hamidminya is thus a man who is favoured by the company in so far as the company did not hold any domestic inquiry against him and, inspite of the charge-sheet issued and inspite of Mr. Thakur's complaint Ex.24 continued him in service. Hamidminya's deposition is thus of a highly interested witness who has exaggerated his version when he says that Shri Thakur had a revolver in his pocket and his one hand was in the pocket at the time and with the other hand he dragged him out of the room. Hamidminya's testimony on the point is against the very charge issued against him. Apart from that, his testimony does not inspire any confidence whatsoever. I am not prepared to rely upon the testimony of such a highly interested workman who is continued in service without any enquiry into the act of misconduct alleged against him by his superior Mr. Thakur unless such testimony receives corroboration from an untainted source. The management tried to seek corroboration from the testimony of witness, Usman Kasim (Ex. 19) and witness, Husseinbhai Ahmadnia (Ex. 20). These two witnesses were not summoned at the first instance, but were called at the next hearing by the management. May be, because of their names emerged in the examination of Hamidminya. This may mean that the management never wanted to rely upon the testimony of these two witness, viz., Suman Kasim and Husseinbhai. Whatever it may be, their evidence also does not inspire any confidence. According to Usman, he was working in the mechanic department in the garage of the company at the relevant time. He says that he saw Shri Thakur and Hamidminya quarrelling and coming out of the office. It is difficult to accept the first part of his version that he had seen the two quarrelling, because the quarrel, if any, had taken place inside the cabin. The witness then says that he heard each one abusing the other. This, again, is a highly unreliable version, because the abuses, if any, also took place inside the chamber. He then says that he saw that Shri Thakur had caught hold of the hand of Hamidminya and he had heard Thakur saying to Hamidminya that if the later speaks anything more, he will murder him; that Hamidminya then extricated himself, got his hand released and ran away. This part of the version that Thakur had threatened Hamidminya with murder, is a clear morvement and a concoction. In any case, it is an after-thought. In his deposition, (Ex.13), Hamidminya does not speak of Thakur having given him a threat of murder. The witness had to admit in his cross-examination that the distance between the place where he was working and the office of Shri Thakur was 50 to 60 paces and he could not see the door of the office from the place where he was working, because it was in a guilty. It is thus difficult to see how this witness could have heard what happened inside the cabin and how he could have seen Shri Thakur dragging out Shri Hamidminya from his chamber. His version about threat to murder is a highly undependable version, an improvement upon the version given by Shri Hamidminya himself. I would not like to rely upon such testimony of Usman Kasim as lending any corroboration to the evidence of Shri Hamidminya. The testimony of Husseinbhai, (Ex.20) suffers from the same infirmity. He was also working with witness Usman at the same place and away from the cabin room of Shri Thakur, inside which the incident is alleged to have taken place. In his evidence, in the exami-

nation-in-chief he has stated that Shri Thakur had called Hamidminya to his office; that the two had quarrelled inside the office and then come out. He further states that Thakur had told Hamidminya that he would kill him with a bullet and that Hamidminya got himself free and ran away. He thus talks of the incident having taken place inside the office; Shri Thakur having threatened to kill Hamidminya and Hamidminya himself having got free and run away. He does not attribute any rescue mission either to himself or to the witness, Usman. He does not say that anyone of them had gone to the rescue of Hamidminya and intervened. He had to admit that the distance of the place where he was working was about 30 to 40 feet from Mr. Thakur's cabin. He tried to say that he had maintained a note of the incident and then again that he did not remember the date and did not maintain the note. His evidence also does not inspire any confidence. The evidence of Usman Kasim and/or Hussain Ahmad do not lend any corroboration to the testimony of Hamidminya. I am herein not applying the strict standard of proof as in a criminal case. I am considering the probabilities of the case and the preponderence of the evidence. As aforesaid, Hamidminya's version is of an interested witness, a person who has found favour with the company and who has been continued in service inspite of a charge of major act of misconduct having been levelled against him by the Company itself. Again, as aforesaid, the incident had taken place inside the cabin and at a distance from the place where Hamidminya and others were working. Nobody could have been a witness to this incident in the cabin. The question of revolver being pointed out or of threatening by Shri Thakur did not arise and did not find any mention in the charge-sheet against Shri Thakur. Hamidminya was a person serving under Shri Thakur who was his immediate superior. Hamidminya was called for doing some work as it was urgent in nature, in the opinion of Shri Thakur, and he had refused to do the work. Shri Thakur had lodged a complaint against Hamidminya about this on the very day and it is thereafter that the charge-sheet was issued against Shri Thakur and another charge-sheet against Hamidminya. Hamidminya's testimony does not even otherwise inspire any confidence as coming from a dependable witness. It is difficult to accept the management's version that Shri Thakur had picked up a quarrel with Hamidminya and had abused him and had thus committed an act of grave misconduct falling within the mischief of clause (8) of Standing Order 21 governing the parties. In my considered opinion, there is no reliable evidence of Shri Thakur having quarrelled with Shri Hamidminya or having shown indecent behaviour within the premises of the establishment. On the evidence adduced by it, the management had failed to prove the charge of misconduct against Shri Thakur. It was, therefore, not necessary for Shri Thakur to lead evidence on merits. However, Shri Thakur examined himself and his evidence was recorded at Ex. 23. He has stated in his evidence that he was a mechanic, class I, and had received training at the Government centre. Referring to the incident, he has stated that on 27th August, 1974, he had joined duty at 8 a.m. and had called Hamidminya to his office at the garage in connection with the repairing work of C.P.T. compressor; that Hamidminya had refused to do the work; that Hamidminya had become excited; that Hamidminya was in rage; that Hamidminya gave a slap to him on his forehead, right-hand side. Shri Thakur had immediately made a report to the management of this incident, office copy of which is produced from the record of the company at Ex. 24. It would be material to refer to this report made by Shri Thakur on the very day of the incident on 27th August, 1974, wherein he has stated that he had asked Hamidminya to do the work of repairing on the compressor, but Hamidminya had all of a sudden violently struck at Shri Thakur and ran away. This report made immediately after the incident, lends credence to the evidence of Shri Thakur that Hamidminya was the recalcitrant workman who had defied the order of his immediate superior. The incident had taken place inside the cabin. Shri Thakur further proceeds to say that the Company had given a charge-sheet to Hamidminya, but the company did nothing about it, made no enquiry against Hamidminya and Hamidminya is continued in service. In his cross-examination made by Shri Joshi, Shri Thakur has stated that he had called Hamidminya in his room (chamber) at 8.30 a.m. and asked him to work on the C.P.T. compressor, but he had refused to do so; that Thakur had asked Hamidminya to leave the work because unless the compressor work was done, the drilling could not be done. According to Shri Thakur, this was the only talk

between them and then Hamidminya gave him a slap and left him. It is significant to note that in the cross-examination Shri Joshi, Labour Adviser of the Company, had put a question to Shri Thakur, "Because you asked Hydermian to leave the work and do other work, he gave a slap to you and left. Is that what you mean?", the answer of Shri Thakur was, "May be so". It is again significant to note that Shri Joshi has not put any question to Shri Thakur about his having threatened Hamidminya with death or having pointed the revolver at Hamidminya, but on the contrary Shri Joshi wanted to again introduce a question about the alleged past misconduct of Shri Thakur and the apology he had given in writing in the year 1972. Thus, there is word against word, Shri Thakur saying that Shri Hamidminya had quarrelled with him and had slapped him or violently struck at him and Shri Hamidminya saying that it was Thakur who had abused him and quarrelled with him and all this had taken place in the garage. Shri Thakur is supported in his statement by his own complaint (Ex. 24) which was made immediately thereafter. Even apart from this complaint (Ex. 24), I find that the evidence of Shri Thakur is a straight forward version of the events which have very likely taken place inside the cabin. In any view of the matter, Shri Hamidminya's evidence is not trustworthy, looking at it from any standard of proof, and not from the strict standard of proof as in the case of criminal case. His evidence is a highly interested untrustworthy testimony coming from a man who has curried favour from the management and who has been called to depose at the next hearing and has put in a deliberate version of Shri Thakur having pointed a revolver at him, the version which is a real concoction. This is the state of evidence on record, insofar as the charge of the alleged misconduct is concerned. In my opinion, the charge is not proved."

10. Since the High Court of Gujarat was pleased to remand this reference to this Industrial Tribunal for the specific purposes of affording a reasonable opportunity to the management to lead all this evidence which was shut out and then proceed to decide the matter in respect of that evidentiary material the evidence already led by the Company cannot be discarded. As stated above, after remand of this matter from the High Court the Company has filed in all two affidavits of its officers and certain documents which were not considered by the Tribunal have also been placed on record and these have also been duly exhibited. On the scrutiny of the two affidavits Ex. 36 and 38, it will appear that they have been filed only with a view to showing the instances of past misconduct on the part of the workman. From this additional evidence in the form of these two affidavits led by the Company nothing fresh has been brought on record of this reference to upset the findings already given by the then Industrial Tribunal regarding the specific charge which was levelled against the workman in respect of the incident which is said to have taken place on 27-8-1974. Since no further evidence has been led and since no new material has been brought on record of this reference to justify disagreement or to disregard the said finding given by the then Industrial Tribunal, it will not be proper to hold otherwise than what the said Tribunal had held regarding the alleged charge against the workman. This would be specially so, because, the Hon'ble High Court of Gujarat has not made any observations in respect of that aspect of the Award given by the then Industrial Tribunal. I have myself examined the evidence led by the Company in support of the charge levelled against the workman and after careful consideration I am clearly of the view that there does not appear to be any ground to disagree with the findings at which the previous Industrial Tribunal had arrived at after considering the said evidence. I am, therefore, in respectful agreement with the said findings that the Company had failed to prove the alleged charge against the workman. Of course, the Company has succeeded in bringing on record instances regarding the previous misconduct on the part of the workman and that fact will be definitely considered by this Tribunal at the time of passing the final order regarding the reinstatement or the payment of reasonable compensation in lieu of reinstatement, to the workman.

11. Shri D. C. Gandhi, the learned Advocate appearing on behalf of the Company has tried to urge that in this case the Company was within its jurisdiction and fully justified in terminating the services of the workman on account of the past incidents of misconduct on the part of the workman. It is also contended by him that in such case it would not be necessary for the employer to hold a domestic inquiry before terminating the services of a workman whose conduct has

been consistently found to be unsatisfactory. He has cited a decision of the Supreme Court of India in the case of Municipal Corporation, Greater Bombay and P. S. Mavinkar and others reported in 1978 II L.L.J. at page 168. On going through that decision of the Supreme Court, it will appear that the facts of that case were quite different from those of the present case and, therefore, the said decision would not govern the present case. The relevant observations are in paragraph 7 of the judgment on page 171 and they are as under :—

"Let us now proceed to consider whether the impugned order was covered by Standing Order 26 or it was punitive in character and could not, therefore, be passed except after a disciplinary inquiry under cl. (2) of Standing Order 26 or it was punitive in character and could not, therefore, be passed except after a disciplinary inquiry under cl. (2) of Standing Order 21 read with Standing Order 23. It is now well-settled that the question whether a particular order terminating the service of an employee is by way of punishment or not has to be determined on the facts and circumstances of each case and the form of the order is not decisive of the matter. Here, under Standing Orders, two powers are given to the management, one is the power to impose punishment for misconduct after a disciplinary inquiry under cl. (2) of Standing Order 21 read with Standing Order 23 and the other is the power to terminate the service of an employee by one calendar month's written notice or pay in lieu thereof under Standing Order 26. The question is as to which power has been exercised by the management in the present case and this question has to be determined having regard to the substance of the matter and not its form. Now, one thing must be borne in mind that these are two distinct and independent powers and as far as possible, neither should be construed so as to emasculate the other or to render it ineffective. One is the power to punish an employee for misconduct while the other is the power to terminate simpliciter the service of an employee without any other adverse consequence. Now, proviso (i) to cl. (1) of Standing Order 26 requires that the reason for termination of the employment should be given in writing to the employee when exercising the power of termination of service of the employee under Standing Order 26. Therefore, when the service of an employee is terminated simpliciter under Standing Order 26, the reason for such termination has to be given to the employee and this provision has been made in the standing order with a view to ensuring that the management does not act in an arbitrary manner. The management is required to articulate the reason which operated on its mind in terminating the service of the employee. But merely because the reason for terminating the service of the employee is required to be given—and the reason must obviously not be arbitrary, capricious or irrelevant—it would not necessarily in every case make the order of termination punitive in character so as to require compliance with the requirement of cl. (2) of Standing Order 21 read with Standing Order 23. Otherwise, the power of termination of service of an employee under Standing Order 26 would be required meaningless and futile, for in no case it would be possible to exercise it. Of course, if misconduct of the employee constitutes the foundation for terminating his service, then even if the order of termination is purported to be made under Standing Order 26, it may be liable to be regarded as punitive in character and hence attracting the procedure of cl. (2) of Standing Order 21 read with Standing Order 23, though even in such a case it may be argued that the management has not punished the employee but has merely terminated his service under Standing Order 26. It is, however, not necessary for us in the present case to pronounce on this controversy since we find that in the present case the reason given for terminating the service of the respondent was unsatisfactory record of service. No misconduct was alleged against the respondent nor was any misconduct made the foundation for passing the impugned order of termination. The order of termination was

clearly not passed by way of punishing the respondent for any misconduct. The view that the service of the respondent was not satisfactory was undoubtedly based on past incidents set out the record but for each of these incidents punishment in one form or another had already been meted out to her and it was not by way of punishment for any of these incidents, but because as gathered from these incidents, her record of service was unsatisfactory that her service was terminated by the management under Standing Order 26. It is, therefore, not possible for us to regard the order of termination as punitive in character so as to invite the applicability of cl. (2) of Standing Order 21 read with Standing Order 23."

12. From the above observations it will appear that in that case no misconduct was alleged against the defaulting workman and in fact no misconduct was made the foundation for passing the impugned order. The facts of the present case are quite different because in this case the workman was sacked because the complaint was filed against him by a co-worker Shri Hamidminya. Before passing the order a charge-sheet was given to the workman and it was duly served upon him. A mere look at the charge-sheet Ex. 2/4 would show that it contains allegations regarding serious misconducts on the part of the workman. Not only that but the Company has admitted through its written statement that they intended to hold a domestic inquiry against the workman regarding the said charge-sheet in respect of the misconduct alleged against him. In fact the workman was also informed that the Inquiry Officer would come from Mithapur and he would intimate to him the date and time for holding such domestic inquiry. It was also further explained by the Company that because the workman had already approached a criminal court by filing a complaint against Hamidminya and since the matter was before a court of law, it was not found desirable to proceed with that domestic inquiry. From these facts it is abundantly clear that the Company had decided to take action against the workman for his misconduct as enumerated in the said charge-sheet. In view of these facts, the decisions cited by the learned Advocate Shri D. C. Gandhi, would not be of any assistance to the Company. On account of these reasons also, I come to the conclusion that the action taken by the management of the Company against the workman was a penal action and it was taken against him for the alleged misconduct as contained in the charge-sheet. If that is so, the Company should have followed the procedure as prescribed in the Standing Orders applicable to the workmen employed by the Company. A domestic inquiry could have been held against him and he should have been given an opportunity to defend himself during that inquiry. I am also of the view that even before the Tribunal the Company has failed to prove the charge against the workman as the evidence of Hamidminya as well as of the two other witnesses examined on behalf of the Company, was not satisfactory and on the basis of that evidence the charge could not be substantiated against the workman as rightly held by the previous Industrial Tribunal.

13. Since the order passed by the Company terminating the services of the workman has been found to be illegal and ineffective, the normal consequence would be that the workman be directed to be reinstated in his original position, with continuity of service and with the payment of his full back wages. Now, it is the settled position of law that in case of wrongful discharge or dismissal the normal rule would be reinstatement of the workman but for certain reasons when it would be desirable in the interest of industrial peace and in the interest of the cordial relations between the employer and the employees, instead of reinstatement the Tribunals and Courts can order the payment of reasonable compensation to the concerned workman. In this case, therefore, it will have to be seriously considered whether it would be legal, proper, and also desirable to order the reinstatement of the workman in his original position in the service of the Company? After the remand of this matter from the High Court of Gujarat, the Company has brought on record certain documentary evidence which has remained unrebutted showing that on as many as 7 previous occasions the workman had been found to be guilty of misconduct for which on a number of occasions he had to offer an apology to the Company. The first instance of misconduct on his part relates to 17-11-1970 when a complaint was made against him by one Shri R. D.

Rajyaguru, General Supervisor. He was Supervisor over the workman and it is alleged that he refused to carry out the instructions given by that Supervisor and so also reluctant to work under him. This incident is borne out by the document produced at Ex. 31/1 and 31/2. It is the case of the Company that for this incident the workman was orally warned that he should not repeat such incidents. The second incident took place on 4-11-1971 when the workman had indulged in gross negligence in the performance of his duties and had also shown disobedience towards Shri V. V. Nayak, the Quarry Manager. This incident is supported by the complaint Ex. 31/4 on 4th November, 1971. In that connection even the charge-sheet Ex. 31/3 was given to the workman and a domestic inquiry was also held against him as would be evident from the inquiry papers at Ex. 35. For that incident the workman was suspended for four days as would be clear from the suspension order Ex. 3/1. The letter Ex. 33/1 dated 17-11-1970 would further show that the workman had intimated under his own signature that he was not willing to serve under a particular officer of the Company.

14. The third incident took place on 3-10-1972 when the workman is alleged to have misbehaved with and insulted one Shri N. H. Bhatt, the Quarry Manager. In this connection the complaint made by Shri N. H. Bhatt on 3-10-1972 is produced at Ex. 31/5. The original complaint of Shri Bhatt is also on record at Ex. 37/1. In that incident the workman had offered apology as would be clear from his own apology letter Ex. 37/2 dated 4-10-1972. Its copy is also produced at Ex. 5/2. For that incident the workman was warned in writing through the letter dated 4-10-1972 Ex. 5/3. The fourth incident took place on 15-3-1973 when the workman is alleged to have insulted and abused Shri G. B. Trivedi, the Personnel Officer. In this connection Shri Trivedi had given a report in writing which is produced at Ex. 31/6.

15. The fifth incident took place on 12-7-1974 when it is alleged that the workman insulted, abused and threatened one Shri S. D. Patel the Mines Foreman. In that connection the complaint Ex. 31/7 was made by Shri S. D. Patel on 17-9-1974. For that incident also the workman had apologized in writing and the letter of his apology is produced at Ex. 5/4 which is dated 15-7-1974. The sixth incident took place on 28-8-1974 when he had a scuffle and quarrel with one Hyderminya. This incident is borne out from the document Ex. 5/5. The seventh and the last incident took place on 27-8-1974 which resulted in the filing of chapter cases by the workman and Hamidminya. The copies of those complaints are produced at Ex. 8/1 and 9/1.

15. From the enumeration of the above instances of past misconduct on the part of the workman, it will not be desirable to order his reinstatement in the service of the Company because, if he is again reinstated, there would always be disturbance of peace and unrest in the work of the quarries. Not only that but the industrial peace which prevails at present would be severely disturbed and the smooth working of the quarries would also be seriously disturbed. To direct reinstatement of such a workman would be putting the employer into an embarrassing position and by doing so there would always be danger of industrial unrest and fear of disturbances. As such, I am of the opinion that this is a peculiar case in which it will not be desirable to order reinstatement of the workman even though a finding has been given that he has been wrongly discharged from service or the order regarding the termination of his services was illegal and unenforceable. This being the position, I feel that it will be in the interest of the industrial peace as well as in the interest of the workman himself, that instead of ordering his reinstatement under the Company, a direction be given that he should be paid some reasonable compensation in lieu of such reinstatement. It will, therefore, be considered as to what should be the said compensation? The workman was discharged from service vide the order Ex. 2/5 dated 22-10-1974. From that date till today he has remained out of employment under the Company. Considering all the facts of this particular case especially the past conduct of the workman, I feel that the interests of justice would be fully met with if it is directed that from the date of his discharge from service i.e. from 22-10-1974 till the publication of this Award in the Gazette of India, the workman is paid 50 per cent of his full wages including all allowances etc. which he was receiving on the date of the termination of his services. In addition to that he should also be paid his all other legal dues such as gra-

tuty, unpaid wages, wages for leave due to him, bonus, and provident fund. If the workman has already been paid after the termination of his services any compensation by the Company, the said amount shall have to be adjusted against the total amount which may be found due and payable to him.

ORDER

16. (i) It is hereby declared that the Order Ex. 2/5 dated 22-10-1974 passed by the Company, terminating the services of the workman is illegal and ineffective. Consequently, normally, the workman would be entitled to reinstatement in his original position but for the reasons discussed above, it is directed as under :—

- (a) It is hereby directed that instead of reinstatement the workman shall be paid 50 per cent (fifty per cent) of his total wages including all allowances which he was receiving on the date of which his services were terminated i.e. from 22-10-1974 till this award is duly published in the Gazette of India.
- (b) It is also directed that in addition to the payment of those wages, the workman shall also be paid his all other legal dues such as gratuity, unpaid wages, if any, wages on account of leave standing to his credit, bonus and provident fund due and payable to him.
- (c) If the workman has been paid any amount by way of compensation, the said amount shall be adjusted against the total amount which may be found due and payable to him on account of the above directions.
- (d) The amount found due and payable to the workman in accordance with the above directions shall be paid to him within a period of one month from the publication of this award in the Gazette of India.

(ii) The first party to bear its own costs and also to pay the costs of the Union viz. Chemical Kamdar Sangh, which are quantified at Rs. 1000 (Rupees one thousand only).

R. C. ISRANI, Presiding Officer

4-5-1979.

Ahmedabad,
Dated 3-5-1979.

[No. L-29011/22/75-D.III.B]

New Delhi, the 7th June, 1979

S.O. 2096.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2 Dhanbad in the industrial dispute between the employers in relation to the management of Bhanakhap Mica Mine, P.O. Singer, District Nawadah of M/s. Bhanakhap Mica Mining Co. and their workmen, which was received by the Central Government on the 17th May, 1979.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 4 of 1977

Management of Bhanakhap Mica Mine, P.O. Singer, Dist. Nawadah of M/s. Bhanakhap Mica Mining Co.

AND

Their Workmen.

APPEARANCES :

On behalf of the Employers—Shri S. N. Jha, Agent.

On behalf of the Workmen—Shri B. Singh, General Secretary, Abrakh Mazdoor Panchayat.

State : Bihar

Industry : Mica.

Dhanbad, the 10th May, 1979

AWARD

The Government of India, Ministry of Labour, being of opinion that an industrial dispute exists between the employers in relation to the management of Bhanakhap Mica Mine P.O. Singer, Dist. Nawadah of M/s. Bhanakhap Mica Mining Co. and their workmen by their order No. L-28011/2/77-D. IIIB, dated the 14th/18th October, 1977 referred the same to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act 1947 for adjudication on the issue as an schedule below :—

SCHEDULE

“Whether the demand of the workmen of Bhanakhap Mica Mine P.O. Singer, Dist. Nawadah of M/s. Bhanakhap Mica Mining Co. for payment of bonus @20 per cent for a/c year ending on 31-12-1975 is justified? If so, to what relief are the workmen entitled?”

2. After receipt of the order of reference, parties were informed to file their written statements. On 31-1-1979 written statement was filed by the workmen and the employers sought adjournment for filing the written statement on the next date. Ultimately on 5-4-1979 both parties appeared and filed a joint petition of compromise settling the industrial dispute. I heard the parties on the joint petition of compromise and it is submitted by them that an award be passed in terms of the settlement. It appears that the joint petition of compromise has been duly signed by the General Secy. Abrakh Mazdoor Panchayat, Jhumritelaiya, Hazari bagh from the side of the workmen and by Agent, Bhanakhap Mica Mining Company, Jhumritelaiya, Hazaribagh from the the side of the management. The terms of settlement appears to be beneficial to the parties and nothing stand in the way of an award being passed thereon.

In the result I pass an award in respect of the Industrial Disputes referred to on terms as embodied in the joint petition of compromise (settlement) which do form part of the Award as Annexure A.

J. P. SINGH, Presiding Officer

BEFORE THE PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL NO. 2 DHANBAD

CAMP : PATNA

Reference No. 4 of 1977

PARTIES :

Employers in relation to the management of Bhanakhap Mica Mining Company, Jhumritelaiya, Hazaribagh.

VRS.

Their workmen represented through Abrakh Mazdoor Panchayat, Jhumritelaiya.

The humble joint petition on behalf of the aforesaid parties.

Most respectfully sheweth :—

1. That the Govt. of India had been pleased to refer the following terms of reference to this court for adjudication.

“Whether the demand of the workmen of Bhanakhap Mica Mine, P.O. Singer, Dist. Nawadah of M/s. Bhanakhap Mica Mining Company, for payment of bonus @20 per cent for accounting year ending on 31-12-1975 is justified. If so, to what relief are the workmen entitled?”

2. That your honour had been pleased to direct the parties to file their written statements.

3. That on receipt of the notice, the parties to the dispute had started negotiations over the matter.

4. That the negotiation have ended in mutual settlement which has been arrived at on 3-4-1979.
5. That the copies of the said settlement in six copies are filed herewith, which forms annexure to this joint petition.

6. That with this humble joint petition, it is prayed that your honour would be very pleased to accept the said settlement and would be further pleased to give its award in terms of the said mutual settlement.

It is, therefore, prayed that your honour would be very much pleased to accept the settlement annexed herewith and would also be further pleased to give its award in terms of the said settlement.

And for this, both the parties shall ever pray.

Sd/-

(S. N. Jha)
Agent
Bhanakhap Mica Mining
Company, Jhumritelaiya,
Hazaribagh.

Sd/-
(Bhubaneshwar Singh
General Secretary,
Abrakh Mazdoor Panchayat,
Jhumritelaiya, Hazaribagh

Dated : Patna,
The 5th April, 1979.

Memorandum of mutual settlement arrived at between the management of Bhanakhap Mica Mining Company Jhumritelaiya and their workmen represented through Abrakh

Mazdoor Panchayat (HMP) on 3-4-1979

PRESENT :

Representative of Management—Sri S. N. Jha, Agent.
Representative of the Abrakh Mazdoor Panchayat—Sri Bhubaneshwar Singh, General Secretary.

Short recital of the case

The General Secretary, Abrakh Mazdoor Panchayat raised an industrial dispute regarding payment of bonus @20 per cent for the accounting year, 1975 to the workmen under his letter No. 249/kh/76 dated 7-9-1976.

On the other hand the management contended that there was no profit during the accounting year 1975 as the mica industry had been facing slump. Besides, the dispute is bad in law because of the fact that no dispute had ever been raised before the management.

The efforts were made by the Assistant Labour Commissioner (Central), Hazaribagh for an amicable settlement, but having no meeting ground, the Assistant Labour Commissioner (Central) submitted his report to the Govt. of India. On receipt of the report the Govt. of India had been pleased to refer the matter for adjudication to the Industrial Tribunal No. 2, Dhanbad.

Ultimately, the management on receipt of the summon from the Industrial Tribunal No. 2, Dhanbad started to negotiate over the matter of reference and lastly the matter ended in mutual settlement on the following terms.

Terms of Settlement

1. It is agreed by both the parties that the bonus @ 8.33 percent for the accounting year 1975 will be paid to the workmen employed at Bhanakhap Mica Mine, P.O. Singer, Nawadah Distt. by the management.

2. It is agreed that the bonus will be paid within one month from the date of settlement.

3. It is agreed that the copy of this settlement will be filed before the Hon'ble Industrial Tribunal, No. 2, Dhanbad, with a petition praying therein for accepting the settlement and giving its award in terms of settlement.

Sd/-

(S. N. Jha) Agent,
Bhanakhap Mica Mining Company. (Bhubaneshwar Singh),

5-4-1979.

General Secretary,
Abrakh Mazdoor Panchayat,
5-4-1979.
[No. L-28011/2/77-D. III-B]
A. K. ROY, Under Secy.